



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.M.P.Nos.10682, 10684 & 10686 of 2021

in

Crl.R.C.Nos.654, 653 & 655 of 2021

1.M/s.Nivi Knit Fashions,
Rep. By its Proprietor,
Mr.S.Mohanraj

2.S.Mohanraj ... Petitioner/Appellant/Accused
in the above Crl.M.Ps.

Vs.

1.Rajkumar
2.P.Natarajan ... Respondent/Respondent/Complainant
in the above Crl.M.Ps.

COMMON PRAYER: Criminal Miscellaneous petition has been filed under Section 389 (2) & 439 of Cr.P.C., praying to suspend the sentence imposed on the petitioner in C.A. Nos.28 of 2018, 27 of 2018 & 26 of 2018 on the file of the Learned III Additional District and Sessions Court, Tiruppur at Dharapuram dated 06.10.2021 confirming the judgement and sentence imposed in C.C. No.216 of 2005, 218 of 2005 & 219 of 2005 dated 21.02.2018, on the file of the learned Judicial Magistrate Court No.1, Udumalpet, pending disposal of the above revision.

For Petitioner : Mr.B.Nambiselvan
in the above Crl.M.Ps.

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been filed seeking suspension of sentence imposed against the petitioner in C.A. Nos.28 of 2018, 27 of 2018 & 26 of 2018 on the file of the Learned III Additional District and Sessions Court, Tiruppur at Dharapuram dated 06.10.2021 confirming the judgement and sentence imposed in C.C. No.216 of 2005, 218 of 2005 & 219 of 2005 dated 21.02.2018, on the file of the learned Judicial Magistrate Court No.1, Udumalpet, pending disposal of these Criminal Revision Cases and release the accused/petitioners on bail. The petitioners/accused have been convicted and sentenced by the trial Court as follows:



Provision under which convicted	Case Nos.	Sentence
Section 138 of Negotiable Instrument Act	R.C. No.653 of 2021	Convicted and sentenced to undergo Simple Imprisonment for two years under Section 255(2) of Cr.P.C and to pay the double amount of the cheque for Rs.10,00,000/- towards compensation to the complainant under Section 357(3) of Cr.P.C.
Section 138 of Negotiable Instrument Act	R.C. No.654 of 2021	Convicted and sentenced to undergo Simple Imprisonment for two years under Section 255(2) of Cr.P.C and to pay the double amount of the cheque for Rs.8,49,218/- towards compensation to the complainant under Section 357(3) of Cr.P.C.
Section 138 of Negotiable Instrument Act	R.C. No.655 of 2021	Convicted and sentenced to undergo Simple Imprisonment for two years under Section 255(2) of Cr.P.C and to pay the double amount of the cheque for Rs.6,51,682/- towards compensation to the complainant under Section 357(3) of Cr.P.C.

2.Heard the learned Counsel for the petitioners.

3.Now, since these revisions have been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.1, Udumalpet within fifteen days from the date of receipt of a copy of this order;

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned Judicial Magistrate Court No.1, Udumalpet.

(c) On release on bail the petitioners shall not influence,

<https://hcservices.hcscourts.gov.in/hcservices/> Coerce the witnesses either during trial;



(e) the petitioners shall appear on the first working day of every month before the learned Judicial Magistrate Court No.1, Udumalpet till the disposal of this Criminal Revision by this Court;

-sd/-
12/10/2021

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]



COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+3C.C. to MR.B.NAMBISELVAN Advocate on payment of necessary
charges SR.NO.11466,11458 & 11459

Order

in

Crl.M.P.Nos.10682,10684 & 10686/2021

in

Crl.R.C.Nos.654, 653 & 655/2021

Date :12/10/2021

From 7.2.2001 the Registry is issuing certified
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CSK 18/10/2021