



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2021

Coram

WEB COPY

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.M.P No.13294 & 13296 of 2021 in

Crl.R.C No.1002 of 2021

M/s.Barani Minerals & Chemicals

Represented by P.Barani, M/A.55 years

C-64, TNHB, Maniyanoor

Salem-636 010.

... Appellant in both petitions

Vs.

M/s.Ultramarine & Pigments Limited

Represented by its Manager-Account

Palanisamy, M/a.55 years

S/o.Arumugam

25-B, SIPCOT, Ranipet

Vellore District.

... Respondent in both petitions

Prayer in Crl.M.P No.13294 of 2021 :This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 22.05.2019 passed in STC.No.15 of 2018, by the Judicial Magistrate Court, Fast Track Court, Vellore, as confirmed in the judgment, dated 04.08.2021, made in Crl.A.No.55/2019, by the Principal Sessions Judge, Vellore and enlarge him on bail pending disposal of the above Crl.R.C.

Prayer in Crl.M.P No.13296 of 2021: This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, to grant exemption of surrender of the petitioner herein before the learned Principal District and Sessions Judge, Vellore, on the date of judgment in C.A No.55 of 2019 dated 04.08.2021 confirming the conviction and sentence, imposed by the judgment, dated 22.05.2019, made in STC.No.15 of 2018, by the Judicial Magistrate Court, Fast Track Court, Vellore, pending disposal of the Criminal Revision Case.

For Petitioner : Mr.T.Shanmugam
in both petitions

C O M M O N O R D E R

1.These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 22.05.2019 passed in STC.No.15 of 2018, by the Judicial Magistrate Court, Fast Track



Court, Vellore, as confirmed in the judgment, dated 04.08.2021, made in CrI.A.No.55/2019, by the Principal Sessions Judge, Vellore and to exempt the Petitioner/ Accused, from surrendering before the Trial Court, in connection with the conviction and sentence, imposed by the judgment, dated 22.05.2019, made in STC.No.15 of 2018, by the Judicial Magistrate Court, Fast Track Court, Vellore, respectively, pending disposal of the Criminal Revision Case.

- 2.This court heard the learned counsel for the petitioner and also perused the materials placed on record.
- 3.In and by both the impugned judgements, for non-payment of the cheque amount in question, the Petitioner/ accused was convicted and sentenced for the offences under Sections 138 and 142 of the Negotiable Instruments Act, to undergo one month Simple Imprisonment and to pay the cheque amount, as compensation to the Respondent/complainant with interest at the rate of 6% per annum within three months from the date of judgement, in default, to undergo three months Simple Imprisonment.
- 4.According to the learned counsel for the Petitioner/ accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.
- 5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, pending the Criminal Revision Case, the reliefs of exemption from surrender before the Trial Court and suspension of sentence and bail are granted, on the following conditions :-
 - a) The Petitioner/Accused shall deposit 40% of the cheque amount before the Trial Court, within four weeks from the date of receipt of a copy of this order and on such deposit being made the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.
 - b) Thereafter, the Petitioner/Accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Vellore.



c) The Petitioner/Accused shall appear before the Trial Court as and when required.

WEB COPY

-sd/-
20/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE COURT,
FAST TRACK COURT,
VELLORE, VELLORE DISTRICT.

2 THE FAST TRACK COURT JUDICIAL MAGISTRATE,
VELLORE, VELLORE DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION]

4 THE PRINCIPAL SESSIONS JUDGE,
VELLORE.

5 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VELLORE, VELLORE DISTRICT.

+2C.C. to T.SHANMUGAM Advocate on payment of necessary charges
SR.NO.15117, 15118

Order

in
CRL.MP.NOS.13294 & 13296 OF 2021
in
CRL.RC.NO.1002/2021

Date :20/12/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:22/12/2021