



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.1656 and 1657 of 2021
in
CRL RC(MD)No.150 of 2021

1.QUALITY YARN,
THRO ITS PROPRIETOR
N.BALASUBRAMANIAN

2.N.BALASUBRAMANIAN

... PETITIONERS/ PETITIONERS
IN BOTH PETITIONS

Vs

M/S.ISWARI SPINNING MILLS,
ITS PROPRIETOR
P.SENTHILKUMAR
POWER AGENT
C.MUTHUKUMAR

... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.1656 of 2021 in CRL RC(MD)No.150 of 2021:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of Imprisonment imposed by the Learned Principal Sessions Judge, Dindigul in Crl.A.No.44 of 2019 by the judgment dated 04/06/2020 confirming the conviction and sentence of Imprisonment imposed by the Learned Judicial Magistrate No.II, Dindigul in C.C.No.101 of 2010 by the Judgment dated 17.05.2019, pending disposal of the Criminal Revision.

PRAYER IN CRL MP(MD)No.1657 of 2021 in CRL RC(MD)No.150 of 2021:

To exempt with the surrender of the petitioner in pursuant to the judgment dated 04/06/2020 by the Learned Principal Sessions Judge, Dindigul in Crl.A.NO.44 of 2019 confirming the conviction and sentence of Imprisonment imposed by the learned Judicial Magistrate No.II, Dindigul in C.C.No.101 of 2010 by the Judgment dated 17.05.2019.

PRAYER IN CRL RC(MD)No.150 of 2021:

Pleased to set aside the Judgment passed by the Learned Judicial Magistrate NO.II, Dindigul in C.C.No.101 of 2010 dated 17.05.2019 as confirmed by the Judgment of the learned Principal Sessions Judge, Dindigul in C.A.No.44 of 2019 dated 04.06.2020.



Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.B.NAMBISELVAN, Advocate for the petitioners in both petitions, while admitting the Criminal Revision Petition, the court made the following order:-

WEB COPY

It is seen that the petitioners were convicted by the Judicial Magistrate No.II, Dindigul, in C.C.No.101 of 2010 for the offence under Section 138 of Negotiable Instruments Act and were sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.27,89,400/- (Rupees Twenty Seven Lakhs Eighty Nine Thousand and Four Hundred only), in default, to undergo further period of six months simple imprisonment, by judgment, dated 17.05.2019.

2. As against the said conviction and sentence, the petitioners have preferred an appeal in Crl.A.No.44 of 2019 before the learned Principal Sessions Judge, Dindigul. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 04.06.2020. Aggrieved by which, the petitioners have preferred a revision case in Crl.R.C.No.150 of 2021. Along with the revision, they have filed the present application for suspension of sentence pending disposal of the said revision.

3.The learned counsel for the petitioners fairly conceded that the petitioners are ready and willing to deposit 50% of the cheque amount to the credit of C.C.No.101 of 2010, before the Judicial Magistrate No.II, Dindigul, without prejudice to their case.

4.The learned counsel for the petitioners have raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners and considering the fact that the Criminal Revision Case is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

5.Accordingly, Crl.M.P.(MD)No.1656 of 2020 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on the following conditions:-

(i) the petitioners are not exempted from surrendering before the trial Court and the petitioners are directed to surrender before the Judicial Magistrate No.II, Dindigul, within a period of two months from the date of receipt of copy of this order;



(ii)the petitioners shall deposit of sum of Rs.13,94,700/- (Rupees Thirteen Lakhs Ninety Four Thousand and Seven Hundred only) to the credit of C.C.No.101 of 2010, before the Judicial Magistrate No.II, Dindigul, within a period of two months from the date of receipt of copy of this order.

WEB COPY

(iii) if the petitioners are not deposit the said amount within a stipulated period as mentioned above, the suspension of sentence granted in favour of the petitioners shall stand dismissed automatically;

(iv)On deposit of the aforesaid amount, the petitioners are directed to execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Dindigul.

(v)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(vi)the petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision or until further orders.

(vii)On such deposit, the learned Judicial Magistrate No.II, Dindigul, shall re-deposit the sum of 13,94,700/- (Rupees Thirteen Lakhs Ninety Four Thousand and Seven Hundred only) in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl. R.C.(MD)No.150 of 2021.

6. Accordingly, Crl.M.P.(MD)No.1657 of 2021 is dismissed.

sd/-
26/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE PRINCIPAL SESSIONS JUDGE,
DINDIGUL.

<https://hcservices.ecourts.gov.in/hcservices/>



2.THE JUDICIAL MAGISTRATE No. II,
DINDIGUL.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

WEB COPY

ORDER

IN

CRL MP(MD) Nos.1656 and
1657 of 2021 in

CRL RC(MD)No.150 of 2021

Date :26/02/2021

SJI

TK/VR/SAR.1/01.03.2021/4P/4C