



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4269 & 4273 of 2022

in

Crl.RC.No.419 of 2022

M/s.Infonet Asia Pvt Ltd.,
Rep. by its Director Sambandam,
No.74, Swamy Street,
Chintadripet, Chennai-02

...Petitioner/Accused

Vs.

M/s.CommNet Systems and Solutions
Represented by its Authorised Signatory/
Partner K.Balaji,
No.60, V.V.Koil Street,
Thiruvallleswarar Nagar,
Anna Nagar West, Chennai-40

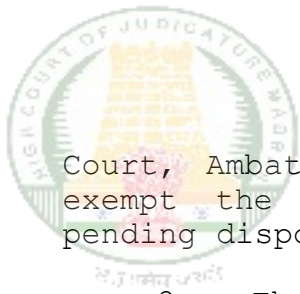
... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Sections 389(1) & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee in C.A.No.181 of 2018 dated 19.11.2021 by confirming the judgment and sentence passed in STC.No.447 of 2016 dated 26.09.2018 by the learned Judicial Magistrate, Fast Track Court, Ambattur and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court pending disposal of Crl.RC.No.419 of 2022

For Petitioner : M/s.D.N.Dhurgasha

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed by the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee in C.A.No.181 of 2018 dated 19.11.2021 by confirming the judgment and sentence passed in STC.No.447 of 2016 dated 26.09.2018 by the learned Judicial Magistrate, Fast Track



Court, Ambattur and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial court pending disposal of the above revision petition.

2. The petitioner herein is the accused in STC.No.447 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur. He was found guilty of the offence under Section 138 of NI Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay Rs.6,00,000/- as compensation, in default to undergo one month simple imprisonment

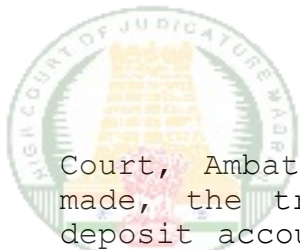
Aggrieved against the same, the petitioner had filed appeal in C.A.No.181 of 2018 and the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee by order dated 19.11.2021 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case 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. He would submit that as per the order of the first appellate court dated 24.12.2018 in Crl.MP.No.5644 of 2018 in CA.No.181 of 2018, the petitioner already deposited 20% of the compensation amount i.e. Rs.1,20,000/- before the trial court and he is ready and willing to further deposit 30% of the remaining amount before the trial court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision case, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner/accused shall deposit 30% of the remaining amount i.e. Rs.1,44,000/- to the credit of STC.No.447 of 2016 before the trial court i.e. the learned Judicial Magistrate, Fast Track



Court, Ambattur on or before 29.04.2022 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. Thereafter, the petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Ambattur

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner 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 petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

6. With the above directions, these Criminal Miscellaneous Petitions are ordered.

7. Post the matter on 29.04.2022 for reporting compliance.

-sd/-

05/04/2022

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 III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUVALLUR AT POONAMALLEE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, AMBATTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]



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

+2C.C. to M/S. D.N.DHURGASHA Advocate on payment of necessary
charges SR.NOs.5096+5214

Order
in
CRL MP.NOs.4269&4273/2022
in
CRL.RC.419/2022

Date :05/04/2022

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CSK 07/04/2022