



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION Nos.2105 & 2106 of 2022

in CrI.R.C.No.201 of 2022

1 M/S.BAJRANG KNITTERS
REP BY ITS PARTNER MRS.D.RAJAMMAL

[PETITIONERS]

2 D.RAJAMMAL
PARTNER OF M/S.BAJRANJ KNITTERS

Vs

1 M/S.SRI SARAVANA SPINNING MILLS PVT LTD,
A PVT LTD COMPANY, REP BY THEIR AUTHORISED
PERSON AND EXECUTIVE-MARKETING S.AUGUSTIN SURESH
NOW R.GANESH, SENIOR MANAGER

[RESPONDENT]

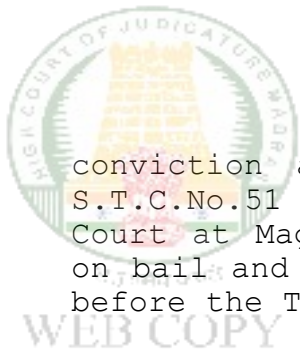
Petitions praying that in the circumstances stated therein the High Court will be pleased to

(i)suspend the sentence imposed on the petitioner in C.A.No.122 of 2021 on the file of the Learned Principal Sessions Judge, Tirupur dated 09.02.2022 confirming the conviction and modifying the sentence passed by the Learned Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No. 51 of 2012 dated 09.12.2021 and enlarge the petitioner on Bail pending disposal of the above CrI.R.C.No.201 of 2022.

(ii)exempt the petitioner from surrendering before the Learned Principal Sessions Judge at Tiruppur in C.A.No. 122 of 2021 dated 09.02.2022 confirming the conviction and modifying the sentence passed by the Learned Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No. 51 of 2012 dated 09.12.2021 pending disposal of the above CrI.R.C.No.201 of 2022.

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the arguments of M/S. J.FRANKLIN, Advocate for the petitioner the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the petitioners/accused, seeking suspension of sentence of imprisonment imposed on them by judgment dated 09.02.2022 in C.A.No.122 of 2021 by the learned Principal Sessions Judge, Tiruppur, confirming the



conviction and modifying the sentence dated 09.12.2021 passed in S.T.C.No.51 of 2012 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur and to enlarge the petitioners on bail and also seeking to exempt the petitioners from surrendering before the Trial Court.

2. The petitioners herein faced trial in S.T.C.No.51 of 2012 on the file of the Fast Track Court at Magisterial Level, Tiruppur and the trial Court by judgment dated 09.12.2021 has found them guilty of the offence under Sections 138 and 141 of the Negotiable Instruments Act, 1881 and convicted the petitioners. Since the 1st petitioner/1st accused is a firm, the 2nd petitioner/2nd accused, being the partner of the firm, was sentenced to undergo simple imprisonment for a period of six months and both the accused are directed to pay the three cheque amounts of Rs.4,30,531/- to the complainant as compensation, in default, the 2nd accused to undergo simple imprisonment for a period of one month. In appeal in C.A.No.122 of 2021 the appellate Court confirmed the conviction and modified the sentence. Challenging the same, the present revision has been filed.

3. The learned counsel for the petitioners/accused submitted that the cheque amount stated to have been deposited by the accused. He further submitted that there are arguable points available in the Criminal Revision Case and the petitioners/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended and the petitioners may be exempted from surrendering before the Trial Court.

4. This Court heard the learned counsel for the petitioners and perused the materials placed on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, 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, the reliefs of suspension of sentence and exemption from surrendering are granted on the following conditions:

(a) The petitioners/accused are ordered to be released on bail, on condition that they shall execute 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 learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur.

(b) The petitioners/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 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 Criminal Revision and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

6. The Criminal Miscellaneous Petitions stand ordered accordingly.

-sd/-

22/02/2022

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 JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR

C.C. to M/S. J.FRANKLIN Advocate on payment of necessary charges Sr.2768

Order

in

CRL MP.Nos.2105 & 2106 of 2022

in Crl.R.C.No.201 of 2022

Date :22/02/2022

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

RVR 25/02/2022