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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.2504 & 2505 of 2022

in

Crl.RC.No.246 of 2022

1.Altron Bright Futures,
A Partnership Firm,
Having office at
No.513, N.P.Complex,
Pushpa Theatre Stop,
Avinashi Road, Thirupur 641 602

2.V.P.Govindasamy

3.L.Sivaraman

...Petitioners

Vs.

K.Jebas Jackin

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) & 482 of Cr.P.C to suspend the sentence made in CC.No.193 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court I @ Magistrate Level Coimbatore District dated 17.11.2017 and the same was confirmed by the lower appellate court made in CA.No.431 of 2017 on the file of the III Additional District and Sessions Judge, Coimbatore District dated 29.10.2021 till the disposal of the above criminal revision and to exempt the petitioners from surrendering.

For Petitioners : Mr.V.Chinnasamy

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioners/accused, seeking suspension of sentence made in CC.No.193 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court I @ Magistrate Level Coimbatore District dated 17.11.2017 and the same was confirmed by the lower appellate court made in CA.No.431



of 2017 on the file of the III Additional District and Sessions Judge, Coimbatore District dated 29.10.2021 till the disposal of the above criminal revision and seeking to exempt the petitioners from surrendering before the trial court.

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2. The petitioners herein are the accused in CC.No.193 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court I @ Magistrate Level Coimbatore District. They were found guilty of the offence under Section 138 of NI Act and they have been convicted and sentenced as under:

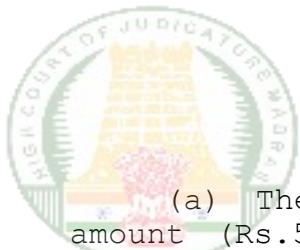
S.No.	Conviction	Sentence
1.	Section 138 of NI Act	Accused 2 & 3 to undergo six months simple imprisonment and shall pay the compensation of Rs.5,00,000/- by the accused 1 to 3 within two months from the date of the judgment, failing which the accused 2 & 3 shall undergo default sentence of 2 months simple imprisonment.

Aggrieved against the same, the petitioners had filed appeal in CA.No.431 of 2017 before the III Additional District and Sessions Judge, Coimbatore District and the appellate court by judgment dated 29.10.2021 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 petitioners/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 petitioners/accused have 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. Heard the learned counsel appearing for the petitioners and also 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 case, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:



(a) The petitioners/accused shall deposit 50% of the cheque amount (Rs.5,00,000/-), namely Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of CC.No.193 of 2017 before the trial court i.e. the learned Judicial Magistrate, Fast Track Court I @ Magistrate Level Coimbatore District, within a period of 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. Thereafter, the petitioners/accused are ordered to be released on bail, on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court I @ Magistrate Level Coimbatore District.

(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 revision petition 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. With the above directions, these Criminal Miscellaneous Petitions are ordered.

-sd/-

01/03/2022

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, COIMBATORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT I @ MAGISTRATE LEVEL,
COIMBATORE DISTRICT.



3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

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+2 C.C. to M/S. V.CHINNASAMY Advocate on payment of necessary
charges SR.NO. 3092 & 3093

Order

in
CRL MP.NOS.2504 & 2505/2022
in
CRL RC.246/2022

Date :01/03/2022

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

RW 01/03/2022