



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.3506 & 3507 of 2022

in

Crl.R.C.No.333 of 2022

1.M/s.Natural Clothing Company,
rep by its Authorised Signatory,
Partner Mr.B.Murugan,
No.35-1, College Road,
Tiruppur - 641 602.

2.B.Murugan
Partner, M/s.Natural Clothing Company ... Petitioners/Accused

Vs.

S.C.Sampath Kumar
Proprietor, M/s.The Spectro Process,
Rep by his Manager/P.A. Holder,
Mr.K.M.Ramesh,
Having office at
No.88-F, Kallangattu Thottam,
Palladam Road,
Tiruppur - 641 604. ... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) r/w 482 of Cr.P.C to suspend the sentence imposed on the petitioners in C.A.No.54 of 2021 on the file of the learned Principal Sessions Judge at Tiruppur dated 04.02.2022 confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No.80 of 2018 dated 13.08.2021 and to exempt the petitioners from surrendering before the learned Principal Sessions Judge at Tiruppur in C.A.No.54 of 2021 dated 04.02.2022 confirming the conviction and sentence passed by the Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No.80 of 2018 dated 13.08.2021 pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.J.Franklin

COMMON ORDER

The petitioners have been convicted by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No.80 of 2018 on 13.08.2021 for the offence under Section 138



of the Negotiable Instruments Act, 1881 and the second petitioner has been sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.16,00,000/- as compensation, in default to undergo one month simple imprisonment. The appeal in C.A.No.54 of 2021 filed by the petitioners have been dismissed on 04.02.2022 by the learned Principal Sessions Judge, Tiruppur. Challenging the same, the petitioners have filed the present revision petition and seeking suspension of sentence and exemption from surrender.

2. According to the learned counsel for the petitioners/accused, there are arguable points available in the criminal revision, and the petitioners/accused have got a fair chance of succeeding in the revision case and hence, the substantive sentence imposed against the petitioners/accused may be suspended and that the petitioners may be exempted from surrendering before the Court.

3. The learned counsel for the revision petitioners further submitted that the petitioners have already deposited a sum of Rs.3,20,000/- (Rupees Three lakhs Twenty thousand only) before the Lower Court, and now they are ready to abide the condition imposed by this Court. It is his further submission that if the substantial sentence is suspended, it is easy for the petitioners to mobilise the funds and for settling the entire issue.

4. Taking into consideration the nature of the case and given the fact that the offence is a compoundable offence and also given the fact that the petitioners had already deposited a sum of Rs.3,20,000/- before the trial Court, this Court deems it appropriate to suspend the sentence and grant bail on the following conditions :

(a) the petitioners shall deposit a sum of Rs.4,80,000/- (Rupees Four lakhs Eighty thousand only) before the trial Court on or before 18.04.2022 and on such deposit, the trial Court is directed to redeposit the amount in a fixed deposit account in any nationalised bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of this revision petition. Thereafter, the second petitioner 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 at Magisterial Level, Tiruppur;

(b) the second petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(c) the second petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every month 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 her absence, as directed by the trial Court; and

WEB COPY (d) on the failure of the petitioners depositing the amount, it is open to the trial Court to commit the second petitioner into custody for undergoing the sentence.

-sd/-

21/03/2022

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 PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

C.C. to J.FRANKLIN Advocate on payment of necessary charges

Order

in
CRL MP.Nos.3506 & 3507/2022
in
Crl.R.C.No.333 of 2022

Date :21/03/2022

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RW 22/03/2022