



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.M.P.Nos.3462 & 3463 of 2022

in

CrI.R.C.No.327 of 2022

1.M/s.Vahini Apparels

Represented by its Partner
P.Sakthi Renuka.

2.P.Sakthi Renuka

... Petitioners

Vs.

M.Manikavasagar

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 389 (1) and 482 of Cr.P.C, to suspend the sentence imposed on the petitioners/appellants in C.C.No.50 of 2015 dated 07.10.2021 on the file of the learned Judicial Magistrate, (Fast Track Court) Tiruppur, confirmed by the learned Principal Sessions Judge, Tiruppur in C.A.No.102 of 2021 Judgment dated 24.01.2022 and enlarge the second petitioner on bail pending disposal of the above Criminal Revision case and exempt the second petitioner from surrendering.

For petitioners : Mr.C.Ramkumar

ORDER

These Criminal Miscellaneous Petitions filed by the petitioners/accused, seeking suspension of sentence of imprisonment imposed by the Judgment dated 07.10.2021 passed in C.C.No.50 of 2015 by the learned Judicial Magistrate, (Fast Track Court) Tiruppur, confirmed by the Principal Sessions Judge, Tiruppur by judgment dated 24.01.2022 in C.A.No.102 of 2021 seeks exemption of the second petitioner from surrendering before the trial court.

2. The second petitioner/accused was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments



Act, 1881. A1 is a firm, A2 is the partner of the A1 firm, convicted under Section 255(2) of Cr.P.C., and the accused A2 was sentenced to undergo Simple Imprisonment for the period of Six months and A1 and A2 liable to pay the cheque amount of Rs.4,00,000/- (Rupees Four Lakhs Only) to the complainant as compensation under Section 357(3) of Cr.P.C., in default A2 is liable to be sentenced for Simple Imprisonment for the period of one month. Challenging the said order of conviction and sentence, pending revision, the petitioners have filed the present petition.

3. Considering the fact that as there are arguable points raised in the revision and taking into consideration, the facts and circumstances of the case, this Court is inclined to suspend the sentence imposed on the second petitioner/accused on the following conditions :

4. The second petitioner is directed to deposit Rs.2,00,000/- before the Trial Court, within a period of four weeks from the date of receipt of a copy of this order and on such deposit, the sentence of imprisonment alone shall be suspended and the second petitioner shall be released on bail on her executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial Court and on further conditions that :

(i) the 2nd petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the 2nd petitioner shall appear before the trial Court on the first working day of every month until the disposal of the revision and if she is not able to appear before the trial Court on any day, she 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.

5. In view of the suspension of sentence, the second petitioner is exempted from surrendering before the Court. CrI.M.P.No.3463 of 2022 is ordered accordingly.



6. These Criminal Miscellaneous Petitions stand ordered accordingly.

WEB COPY

-sd/-
18/03/2022

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 JUDICIAL MAGISTRATE,
(FAST TRACK COURT) TIRUPPUR,

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

+1 C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary charges SR.NO.4198

Order

in
CRL MP.3462 & 3463/2022

in
CRL RC.327/2022

Date :18/03/2022

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