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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5557 of 2022

in

Crl.R.C.No.548 of 2022

N.Narayanan, Ex-Director,
Pyramid Saimira Theatre Limited,

Petitioner / A-3

versus

Axis Bank Limited,
Represented by its Authorised Signatory

Respondent/Complainant

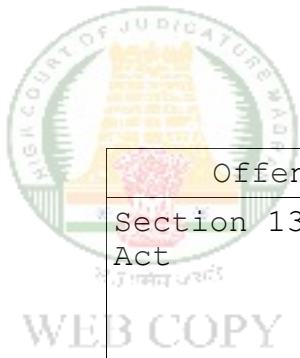
PRAYER: Criminal Miscellaneous Petition has been filed under Sections 397 of Cr.P.C., praying to suspend the sentence imposed on the petitioner by the learned XVI Additional District and Sessions Judge, City Civil Court, Chennai, in C.A.No.286 of 2019 dated 27.08.2021, partly allowed the judgment dated 27.04.2019 passed in C.C.No.2840 of 2010 on the file of the learned Metropolitan Magistrate (Fast Track-2), Egmore at Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.R.John Sathyan

O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner/A-3, seeking to suspend the sentence imposed upon him, by judgment and order dated 27.08.2021 passed in C.A.No.286 of 2019 on the file of the learned XVI Additional District and Sessions Judge, City Civil Court, Chennai, by partly allowing the judgment dated 27.04.2019 passed in C.C.No.2840 of 2010 on the file of the learned Metropolitan Magistrate (Fast Track-2), Egmore at Allikulam, Chennai and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. The petitioner herein is arrayed as A-3 in C.C.No.2840 of 2010 on the file of the learned Metropolitan Magistrate (Fast Track-2), Egmore at Allikulam, Chennai. He was found guilty of the offence under Section 138 of NI Act and has been convicted and sentenced as under:



Offence	Sentence
Section 138 of NI Act	Simple Imprisonment for a period of 6 months and to pay a sum of Rs.80,00,000/- as compensation to the complainant within one month from the date of judgment, in default, to undergo Simple Imprisonment for 2 weeks

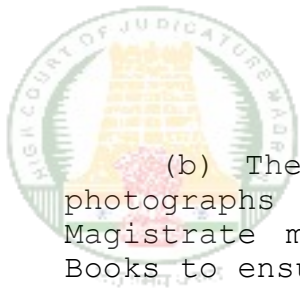
Aggrieved against the same, the petitioner has filed appeal in C.A.No.286 of 2019 and the learned XVI Additional District and Sessions Judge, City Civil Court, Chennai, by judgment dated 27.08.2021 had partly allowed the appeal and modified the sentence of Simple Imprisonment alone from 6 months to 3 months, 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 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 relief of suspension of sentence and bail is granted on the following conditions:

(a) Since in the impugned judgment it was observed that the petitioner has already repaid Rs.14,00,000/- before the Lok Adalath on various installments, he is directed to deposit further Rs.6,00,000/- [Rupees Six Lakhs only] of the cheque amount, to the credit of C.C.No.2840 of 2010 before the trial court i.e. the learned Metropolitan Magistrate (Fast Track-2), Egmore at Allikulam, Chennai 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 Metropolitan Magistrate (Fast Track-2), Egmore at Allikulam, Chennai;



(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; and

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(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 appeal 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, this Criminal Miscellaneous Petition is ordered.

7. Post these matters on 22.06.2022 "for reporting compliance".

-sd/-

27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
(FAST TRACK-2) EGMORE AT ALLIKULAM,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 XVI ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CITY CIVIL COURT,
CHENNAI



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

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+2 C.C. to M/S R. JOHN SATHYAN Advocate on payment of necessary
charges Sr.6344

Order
in
CRL MP.5557/2022
in
CRL RC.548/2022

Date :27/04/2022

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

RVR 28/04/2022