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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.Nos.14096 & 14097 of 2021

in

Criminal Revision Case No.1100 of 2021

1. Geetha
Managing Director and Authorized Signatory of pioneer
Alloy Costing ltd., reg off and works.22 and 23,
Industrial Development area, Gazulamandaym,
Renigunta 517520, Andra Pradesh.
2. M/S.Pioneer Alloy Costing ltd
Rep by Managing Director, regd off and works.22 and 23
Industrial Development Area, Gazulamandyam, Renigunta,
Andra Pradesh 517520 correspondence office 195, S1,
Marys road, Thenampet, chennai 600018
... Petitioners in both M.Ps

..Vs..

1. M/S.JAF Industries
Rep by its prop.D. Ashokan, No.2, Jyothi Nagar,
Uppilipalayam Post, Coimbatore 641015
Tamil Nadu.
2. State rep by
Public Prosecutor, Coimbatore 641015
... Respondents in both M.Ps

PRAYER: Criminal Miscellaneous petitions filed under Section 397(1) & 482 of Cr.P.C to suspend the sentence imposed by the learned Judicial Magistrate, Fast Track Court I, Coimbatore in C.C.No. 209/2013 dated 27.02.2018 and confirmed by the judgment dated 07.11.2020 in Crl.A. No. 120/2018 on the file of learned V Additional District and Sessions Judge, Coimbatore pending disposal of the revision on the file of this Hon'ble Court and to exempt the petitioner from surrendering.



For Petitioner

: Mr.S.R.Sankareswaran in both M.Ps

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O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 27.02.2018 in C.C.No. 209/2013 passed by the learned Judicial Magistrate, Fast Track Court I, Coimbatore and confirmed by the judgment dated 07.11.2020 in CrI.A. No. 120/2018 on the file of the learned V Additional District and Sessions Judge, Coimbatore and seeking to exempt the petitioner from surrendering before the trial court.

2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs.3,02,487/- the first petitioner/A1 was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, to undergo Six months of Simple Imprisonment and A1 and A2 were directed to pay a fine amount of Rs.3,02,487/- to the respondent/complainant within two months from the date of copy of the order and in default A1 shall undergo two months Simple Imprisonment. The petitioner had filed appeal in CrI.A. No. 120/2018 before the learned V Additional District and Sessions Judge, Coimbatore and the Appellate Court by judgment dated 07.11.2020 had dismissed the appeal and confirmed the conviction and sentence, against which, the present revision has been filed.

4. According to the learned counsel for the petitioner/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 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 and the petitioner may be exempted from surrendering before the Trial Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, 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 petitioner/Accused shall deposit 50% of the cheque amount (Rs. Rs. 3,02,487/-), namely, Rs. 1,51,243.5/- (Rupees One Lakh Fifty One Thousand Two Hundred and Forty Three and Fifty Paise Only) before the Trial Court, within two 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 disbursement 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. 10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court I, Coimbatore

(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.

(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 revision petition 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 his absence, as directed by the Trial Court.

(d) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. These Criminal Miscellaneous Petitions stand ordered accordingly. Post the matter after four weeks for reporting compliance.

-sd/-
05/01/2022

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 V ADDITIONAL DISTRICT &
SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK NO.1 (MAGISTERIAL LEVEL),
COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
COIMBATORE-641 015.

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

C.C. To MR.S.R.SANKARESHWARAN Advocate on payment of necessary
charges

Order

in
CRL MP.Nos.14096 & 14097 of 2021
in
CRL.RC.1100/2021

Date :05/01/2022

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

RW 07/01/2022