



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of January Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION Nos.14469 & 14470 of 2021

IN

CRL.R.C.NO.1137 of 2021

1 R.M.VENUGOPAL [PETITIONERS / APPELLANTS / ACCUSED]
PROPRIETOR OF M/S. SREE PADMA BALAJI INDUSTRIES,
NO.207, TEX SPARES TOWERS,
19/20, COX STREET,
COIMBATORE -09.

2 V.SUJATHA VENUGOPAL
W/O. VENUGOPAL,
AUTHORISED SIGNATORY OF M/S.SREE PADMA BALAJI INDUSTRIES,
NO.207, TEX SPARES TOWERS,
19/20, COX STREET,
COIMBATORE.

Vs

M/S. R.N. TEXTILES [RESPONDENT / COMPLAINANT]
A PARTNERSHIP FIRM,
REP BY ITS PARTNER,
K.SHANMUGASUNDARAM,
NO.6, M.G. COLONY,
VADAVALLI, COIMBATORE.

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) Suspend the sentence imposed in Crl.A.No.125 of 2019 on the file of IV Additional District and Sessions Judge, Coimbatore dated 15-03-2021 confirming the Judgment and Sentence passed in C.C.No.355 of 2017 on the file of the Judicial Magistrate (Fast Track Court-II), Coimbatore dated 08.03.2019 pending disposal of the above Criminal Revision Case No.1137 of 2021. [IN CRL.M.P.NO.14469 of 2021]

(ii) Grant exemption to the petitioners for surrendering themselves before the Judicial Magistrate Court (Fast Track-II), Coimbatore in C.C.NO.355 of 2017 dated 08.03.2019 pursuant to the Judgment in Crl.A.No.125 of 2019 on the file of IV Additional District



and Sessions Judge, Coimbatore dated 15-03-2021 pending disposal of the above Criminal Revision Case No.1137 of 2021. [IN CRL.M.P.NO.14470 of 2021]

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.BHARATH KUMAR, Advocate for the Petitioner the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the petitioners, seeking suspension of sentence imposed by the Judicial Magistrate (Fast Track Court-II). Coimbatore in C.C.NO.355 of 2017 dated 08.03.2019 and confirmed by the Judgment dated 15.03.2021 in Crl.A.No.125 of 2019 on the file of IV Additional District and Sessions Judge, Coimbatore.

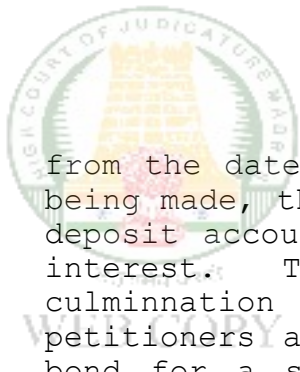
2. This Court heard the learned counsel for the petitioners and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs. 2,27,000/-, the petitioners were convicted and sentenced for the offence under Section 138 of NI act to undergo Six months Simple Imprisonment and to pay a compensation of Rs.2,27,000/- with interest @ 6% per annum from the date of cheque, to the complainant within one month from the date of the Judgment, in default to undergo the sentence of 3 months Simple Imprisonment. The petitioners had filed appeal in Crl.A.No.125 of 2019 before the IV Additional and Sessions Judge, Coimbatore and the Appellate Court by judgment dated 15.03.2021, 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 petitioners, 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 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioners may be suspended and and the petitioners 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 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 shall deposit 50% of the cheque amount (Rs.2,27,000/-), namely, Rs.1,13,500/- (Rupees One Lakh Thirteen Thousand Five Hundred Only) before the Trial Court, within 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 are 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-II). Coimbatore

(b) The petitioners 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 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.

(d) On the failure of the Petitioners, depositing the said amount, it is open to the Trial Court to commit the petitioners into custody for undergoing the sentence.

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

-sd/-
07/01/2022

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 IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT-II),
COIMBATORE.



3 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION) .

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C.C. to M/S. R.BHARATH KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.NOS.14469 & 14470/2021
in
CRL.R.C.NO.1137/2021

Date :07/01/2022

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INBA-11/01/2022