



CrI.M.P.Nos.18617, 18618, 18615 and 18616 of 20--
in CrI.RC.Nos.1538 & 1539 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.Nos.18617, 18618, 18615 and 18616 of 2022

in

CrI.RC.Nos.1538 and 1539 of 2022

Manoj Jain @ Manoj Kumar Jain

...Petitioner in all Cr.MPs.

/vs/

Pushpa @ Pushpa Devi,

.. Respondent in all CrI.MPs.

Prayer in CrI.M.P.Nos.18615 & 18617 of 2022 : These Criminal Miscellaneous Petitions has been filed under Section 379(1) of CrI.P.C., to suspend the sentence imposed in CrI.A.No.58 and 59 of 2019 by the Principal District and Sessions Court, Krishnagiri, dated 21.04.2022, confirming the judgment of conviction imposed in STC.Nos. 6 & 7 of 2016 on the file of Judicial Magistrate No.1, Krishngiri, dated 17.09.2019.

Prayer in CrI.M.P.Nos.18616 & 18617 of 2022: These Criminal Miscellaneous Petitions has been filed under Section 482 of CrI.P.C., to exempt the petitioner from surrendering before the Judicial magistrate No.1, Krishnagiri on the basis of the sentence imposed in Cr.A.Nos.58 and 59 of 2019 by the by the Principal District and Sessions Court, Krishnagiri, dated 21.04.2022, confirming the judgment of conviction imposed in STC.Nos.6 and 7 of 2016 on the file of Judicial Magistrate No.1, Krishngiri, dated 17.09.2019.



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For Petitioner in all petitions
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... Mr.R. Marudhachalamurthy

ORDER

These criminal miscellaneous petitions have been preferred seeking to suspend the sentences imposed on the petitioner herein, by judgment and order dated 21.4.2022 passed in Crl.A.Nos.58 and 59 of 2019 on the file of the Principal District and Sessions Court, Krishnagiri, dated 21.04.2022 by confirming the judgment of conviction imposed in STC.Nos.06 and 07 of 2016 on the file of Judicial Magistrate No.1, Krishnagiri, dated 17.09.2019 and enlarge the petitioner on bail pending disposal of the disposal of the Crl.R.C.Nos.1538 and 1539 of 2022.

2. The petitioner who was an accused in STC.Nos.06 and 07 of 2016 on the file of Judicial Magistrate No.1, Krishnagiri was convicted and sentenced as follows:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Petitioner in Crl.R.C.No.1539 of 2022	Section 138 of Negotiable Instruments Act	To undergo one year simple imprisonment and to pay a compensation amount of Rs.12,00,000, in default to undergo simple imprisonment for one month.
Petitioner in Crl.R.C.No.1538 of 2022	Section 138 of Negotiable Instruments Act	To undergo one year simple imprisonment and to pay a compensation amount of Rs.12,00,000, in default to undergo simple imprisonment for one month.



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3. Challenging the above conviction and sentence, the petitioner herein has preferred CrI.A.Nos.58 and 59 of 2019 before the Principal District and Sessions Court, Krishnagiri. In the said appeal, the learned Sessions Judge has confirmed the conviction and sentence imposed on him. Aggrieved against such conviction and sentence, the petitioner has filed CrI.R.C.Nos.1538 and 1539 of 2022 along with the instant miscellaneous petitions, seeking suspension of sentence and bail and also exempt the petitioner from surrendering before the Judicial Magistrate No.1, Krishnagiri..

4. Heard Mr.R. Marudhachalamurthy, learned counsel for the petitioner.

5. According to the learned counsel for the Petitioner, there are copious materials on record to prove that there is no legally enforceable debt and the petitioner has rebutted the presumption contemplated under Section 139 of the Negotiable Instruments Act. He further submitted that there are arguable points available in the Criminal Revision Cases, which is not likely to be taken up for final hearing in the near future and hence, the substantive



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sentence of imprisonment imposed against the petitioner may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

6. Heard the learned counsel for the petitioner and also perused the materials placed on record.

7. The petitioner has raised substantial grounds in the Criminal Revision Cases which require detailed appraisal. Further, the Criminal Revision cases are not likely to be taken up in the near future. In view of the above, the petitioner deserves the relief of suspension of sentence.

8. The petitioner has filed Crl.M.P.Nos.18615 and 18617 of 2022 seeking to exempt the petitioner from surrendering before the trial court. Since the petitioner has to appear before the trial court for the purpose of executing bond, the prayer seeking exempting him from surrendering before the trial court cannot be entertained. Therefore these petitions are dismissed.

9. Accordingly, till the disposal of the Criminal Revision Cases, the suspension of sentence and bail are granted, on the following conditions:-



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(i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his executing an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) in each case to the satisfaction of the Trial Court .

(ii) The petitioner in each case shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision petitions.

08.12.2022

msr

To

- 1.The Principal District and Sessions Court, Krishnagiri,
- 2.The Judicial Magistrate No.1, Krishngiri,

V.SIVAGNANAM, J.

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