



Crl.MP.No.19701 of 2022 in Crl. Rc.No.1654 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.19701 of 2022

in

Crl.Rc.No.1654 of 2022

Thirumala Auto Components,
rep. by its proprietor M.Pasavaraj,
s/o Mariyappan, SI No.661/1 and 1B1,
Thirumalai Nagar, Avalapillai Road,
Hosur, Krishnagiri District.

... Petitioner

Vs.

Sri Narendra Aluminium Industry,
rep. by its Managing Partner, L.Senthilkumar,
S/o Lakshmanan, 479, 1/B, Thiruvannamalai Road,
Jittobanapalli Village, Thongarapalli Post,
Krishnagiri District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397 and 401 Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed in STC No.199/2012 dated 14.03.2019 on the file of Judicial Magistrate no.1, Krishnagiri, confirmed in C.A.No.19/2019 dated 25.08.2022 on the file of Principal District and Sessions Court, Krishnagiri, pending disposal of Criminal revision petition.



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For Petitioner

: Mr.R.Subramani

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.199 of 2012, vide judgement dated 14.03.2019, which was confirmed by the first Appellate Court in C.A.No.19 of 2019, vide judgment dated 25.08.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate No.1, Krishnagiri, by judgment dated 14.03.2019 in STC No.199 of 2012, found the petitioner company guilty of the offence punishable under Section 138 of Negotiable Instruments Act and on behalf of the petitioner company, sentenced its proprietor to undergo one year simple imprisonment and also directed to pay a sum of Rs.7,77,814 as compensation towards the cheques amount to the Managing Director of the Company, on behalf of complainant/ M/s Sri Narendra Aluminium Industry, under Section 357(3) Cr.P.C. Challenging the above judgment, the petitioner preferred an appeal in C.A.No.19 of 2019, which was also confirmed by the learned Principal District and Sessions Judge, Krishnagiri, vide judgment dated



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25.08.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and 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 a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Krishnagiri.*

(ii) The 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.

23.12.2022
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To

1. The Principal District and Sessions Judge, Krishnagiri
2. Judicial Magistrate No.1, Krishnagiri
3. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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