



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8861 of 2022
IN
CRL RC(MD) No.718 of 2022

1 M/s.ADITHYA PAPER AND BOARDS
THROUGH ITS PARTNER - CUM -
AUTHORIZED SIGNATORY -
T.K. VAIRAMANI

2 T.K.VAIRAMANI

... PETITIONERS/PETITIONER/
APPELLANTS/RESPONDENTS

Vs

M/S.T.V.S.PACKAGING INDUSTRIES,
REP. BY ITS PROPRIETOR,
S.JEGANATHAN

THROUGH HIS MANAGER

J.VINOTH JENI

... RESPONDENT/RESPONDENT/
RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence passed by the learned JM, Sivakasi in S.T.C. No. 4149 of 2011, Dt. 03.02.2015 which was confirmed by the learned Principal District and Sessions Court, Srivilliputhur, Virudhunagar in Crl.A.No. 14 of 2015, Dt. 06.04.2022.

Prayer in CRL RC(MD) . 718/ 2022 :

To call for the records pertaining to the judgment of conviction passed by the learned District and Sessions Court, Srivilliputhur, Virudhunagar in Crl.A.No. 14 of 2015, Dt. 06.04.2022 by confirming the order of conviction sentence passed by the learned Judicial Magistrate, Sivakasi in S.T.C.No.4149 of 2011 dated 03.02.2015 and set aside the same as illegal.



Order : This petition coming up for orders on this date, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.BANUMATHY.A, Advocate for the petitioner, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence passed in S.T.C.No.4149 of 2011, dated 03.02.2015 on the file of the Judicial Magistrate, Sivakasi, and the same was confirmed in Crl.A.No.14 of 2015, dated 06.04.2022 on the file of the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and the first petitioner was imposed to fine of Rs.5,000/- and the second petitioner sentenced to undergo simple imprisonment for a period of six months and to pay the compensation of Rs.2,00,000/- (Rupees two lakhs only) to the respondent within one month and in default to undergo simple imprisonment for a period of three months in S.T.C.No.4149 of 2011 on the file of the learned Judicial Magistrate, Sivakasi, and the same was confirmed by learned District and Sessions Court, Virudhunagar District at Srivilliputhur, in Crl.A.No.15 of 2015, dated 06.04.2022.

3. He would further submit that the cheque was issued as security purpose and the same was misused by the respondent and the respondent has not produced any demand acknowledgment and documents to prove the debt. The said fact was not taken into account by both the Courts below.

4. In view of the above submission made by the learned counsel for the petitioners, this Court is inclined to suspend the sentence imposed upon the petitioners.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners is directed to be enlarged on bail, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivakasi, and on further condition that the petitioner s shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
20/09/2022

/ TRUE COPY /

07/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

ORDER

IN

CRL MP (MD) No.8861 of 2022
IN

CRL RC (MD) No.718 of 2022

Date :20/09/2022

tta

SA/SBN/SAR. /07.11.2022/3P/4C