



Crl.M.P.No.1356 of 2023 in Crl.RC.No.84 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.1356 of 2023

in

Crl.RC.No.84 of 2023

1. M/s. KTT Traders

Proprietor Mr. Narasimha Rao
No.1/109, Poonamallee High Road,
Nerkundram, Opp. Onion Mandy,
Chennai 600 107.

2. A. Narasimha Rao,

Proprietor M/s.KTT Traders,
No.1/109, Poonamallee High Road,
Nerkundram, Opp. Onion Mandy,
Chennai 600 107.

... Petitioners

/vs/

M/s. Ceat Limited,
rep. By its Power of Attorney
Mr.T.R.Kamalakaran,
No.5, Dr. Abdul Kalam Cross Street,
Nagalkeni, Chrompet,
Chennai 600 044.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 14.10.2022 in Crl.A.No.183 of 2021 on the file of XXIII Additional Sessions Judge, City Civil Court, Chennai and enlarge the petitioners on bail pending disposal of the above Criminal Revision Petition before this Court.



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For Petitioners

... Mr. G.R.Hari

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners by judgment dated 14.10.2022 in C.C.No.1115 of 2016 on the file of Metropolitan Magistrate (FTC-1) Court, Egmore at Allikuam and enlarge the petitioners on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioners, who are A1 and A2 in C.C.No.1115 of 2016 on the file of Metropolitan Magistrate (FTC-1) Court, Egmore at Allikuam, Chennai were convicted and sentenced by the trial court on 22.10.2021 as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.138 of NI Act	To undergo SI for six months and to pay a compensation of Rs.14,51,413/-, being the cheque amount along with interest @ 9% p.a., being Rs.6,53,135/-, totalling Rs.21,04,548/- to the complainant within a period of 8 weeks from the date of judgment, in default, to undergo six weeks of SI.

Aggrieved over the judgment of conviction and sentence imposed on the petitioners by the trial court, the petitioners preferred Criminal Appeal in



Crl.A.No.183 of 2021 before the XXIII Additional Sessions Judge, City Civil Court, Chennai. The appellate judge dismissed the criminal appeal for default as there was no representation for the petitioners. Challenging the above conviction and sentence, the petitioners have filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioners submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. The impugned order dated 14.2.2022 passed by the lower appellate court is erroneous, illegal and liable to be set aside. He further submitted that there are arguable points in this Revision and the petitioners have every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

5. Heard the learned counsel for the petitioners and perused the materials available on record.

6. The first petitioner/A1 is a company, represented by its proprietor
2nd petitioner/A2. The petitioners have raised substantial grounds in the



Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the 2nd petitioner, who is proprietor 1st petitioner company, on the following conditions:

- (i) The 2nd 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 petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The 2nd petitioner shall affix their photograph and Left Thumb Impression in the bond and the trial Court may obtain a copy of Aadhaar card or Bank pass Book to ensure the identity; and
- (iii) The 2nd petitioner shall appear before the trial Court as and when required.

07.02.2023

msr



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To
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1. The XXIII Additional Sessions Judge, City Civil Court, Chennai
2. The Metropolitan Magistrate/FTC-1 Court At Allikuam at Egmore, Chennai



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V.SIVAGNANAM, J.

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