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*Crl.MP No.2958 of 2023 in
Crl.RC No.385 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2958 of 2023 in
Crl.RC No.385 of 2023**

1. SCM Associates,
7th Floor, Mahavir complex,
21-A, Oppanakkara Street,
Coimbatore 641 001.
rep. by its Authorized signatory
Ms.Seema Malpani.
2. Seema Malpani, Authorized signatory and Director of
SCM Associates, 7th Floor, Mahavir complex,
21-A, Oppanakkara Street,
Coimbatore 641 001.
3. Rajkumar Malpani, Director of
SCM Associates, 7th Floor, Mahavir complex,
21-A, Oppanakkara Street, Coimbatore 641 001. ... Petitioners

Vs.

K.P.Textiles (Coimbatore) Pvt. Ltd.,
4/237, Caltonpet (Post), Sulur, Coimbatore 641 401.
rep. by its Manager Mr.R.Manoharan
s/o K.Ramasamy. ... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 20.02.2020 by the Judicial Magistrate, Fast Track Court No.1 at Magisterial



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Level, Coimbatore in C.C.No.278/2014, which was confirmed by the judgment dated 31.10.2022 passed by the III Additional District and Sessions Judge, Coimbatore in C.A.No.158/ 2020, pending disposal of the Criminal Revision Case.

For Petitioners : Mr.L.Mouli

ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the learned Judicial Magistrate, Fast Track Court No.1 at Magisterial level, Coimbatore, vide judgment passed in C.C.No.278/2014 dated 20.02.2020, which was confirmed by the learned III Additional District and Sessions Judge, Coimbatore, vide judgment passed in Crl.A. No.158/2020 dated 31.10.2022, pending disposal of the Criminal Revision Petition.

2. The first petitioner is a company and the second and third petitioners are its directors and the petitioners herein are A1 to A3 in C.C.No.278/2014 before the Trial Court. The learned Trial Judge, vide judgment passed in C.C.No.278/2014 dated 20.02.2020, convicted the petitioners 2 and 3 for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced them to undergo 6 months simple imprisonment and directed the petitioners 1 to 3 to pay a sum of Rs.15,00,000/- as compensation under



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Section 357(3) of Cr.P.C. to the complainant, within two months from the date of judgment, in default, directed the petitioners 2 & 3 to undergo 2 months simple imprisonment. Challenging the above judgment, the petitioners preferred an appeal in Crl.A.No.158/2020 which was also confirmed by the Lower Appellate Court, vide judgment dated 31.10.2022.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioners are before this Court.

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

5. Heard the learned counsel appearing for the petitioners and perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioners, this Court finds that the petitioners have substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners 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 their ***executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the Judicial Magistrate, Fast Track Court No.1 at Magisterial level, Coimbatore.***

(ii) The petitioners shall affix their photograph and Left Thumb Impression in the bond and the above said Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the above said Court as and when required.

01.03.2023

(2/3)

Index:Yes/No
Internet:Yes/No
mst

To



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1. The III Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court No.1
at Magisterial level, Coimbatore.



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V.SIVAGNANAM, J.

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