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Crl.M.P.No.2412 of 2023 in Crl.RC.No.297 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2412 of 2023

in

Crl.RC.No.297 of 2023

1. Mr.C.Gopal
Proprietor M/s.R.K.G.Time Centre,
D.No.64, Mount Road,
Conoor, The Nilgiris
2. M/s.R.K.G.Time Centre,
represented by its Proprietor
Mr.C.Gopal,
D.No.64, Mount Road,
Conoor, The Nilgiris

... Petitioners

/vs/

Mr.Saravanan

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) and 489 (3) of Cr.P.C., to suspend the execution of the sentence dated 10.12.2020 passed in Crl.A.No.24 of 2016 against the revision petitioners by the learned Sessions Judge, Magalir Neethimandram (FTMC) of Udthagamandalam, confirming the order of conviction passed by the learned Judicial Magistrate Fast Track Court of Conoor in C.C.No.6 of 2014, dated 20.10.2016 and enlarge the petitioners on bail pending disposal of the above criminal revision case.

For Petitioners

... Mr. C.A.Diwakar



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Crl.M.P.No.2412 of 2023 in Crl.RC.No.297 of 2016

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners in C.C.No.6 of 2014, dated 20.10.2016 on the file of the Judicial Magistrate Fast Track Court of Conoor which was confirmed by the judgment of the Sessions Judge, Magalir Neethimandram (FTMC) of Udthagamandalam in C.A.No.24 of 2016, dated 10.12.2020, pending disposal of the above Criminal Revision case.

2. The 1st petitioner/A1 and the 2nd petitioner company/A2, which is represented by the 1st petitioner/A1 as its proprietor were convicted and sentenced by the trial court on 20.10.2016 in C.C.No.6 of 2014 as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.138 r/w.142 of NI Act	To undergo SI for one year and to pay the cheque amount of Rs.7,00,000/-, to the complainant as compensation, u/s.357(3) Cr.P.C within two months from the date of judgment.

The judgment of conviction and sentence imposed on the petitioners by the trial court was confirmed by Sessions Judge, Magalir Neethimandram (FTMC) of Udthagamandalam, by the judgment dated 10.12.2020 made in Crl.A.No.24 of 2016.



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3. Challenging the above conviction and sentence, the petitioners have filed the present criminal revision case 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 and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioners have every chance to succeed in this Criminal Revision Case. The 1st petitioner has now been confined in prison. 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 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.

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

- (i) The 1st petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of Superintendent of Central Prison, Coimbatore.
- (ii) The 1st petitioner shall affix his photograph and Left Thumb Impression in the bond and the Superintendent of Central Prison, Coimbatore may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;
- (ii) The 1st petitioner shall appear before the trial Court as and when required.

20.02.2023

msr

To

1. The Sessions Judge, Magalir Neethimandram (FTMC),
Udhagamandalam.
2. The Judicial Magistrate, Fast Track Court, Conoor
3. The Superintendent, Central Prison, Coimbatore.

Note: Issue copy on 21.02.2023



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V.SIVAGNANAM, J.

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