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Crl.M.P.No.6354 of 2023 in Crl.RC.No.826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6354 of 2023
in Crl.RC.No.826 of 2023

1. M/s.Star Xerox Private Limited,
Represented by its Managing Director,
Tr.R.Chandramohan,
4/1, 34th Street, 4th Avenue,
Ashok Nagar, Chennai 600 083

2. Tr.R.Chandramohan ... Petitioners
/vs/

Tr.T.R.Chandrasekaran .. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to grant suspension of sentence of imprisonment imposed on the petitioner in C.C.No.318 of 2012 order dated 27.12.2018 following the conviction of the petitioner in respect of offence under Section 138 of N.I.Act on the file of the Judicial Magistrate III Fast Track Court, Saidapet confirmed in judgment dated 18.02.2023 in Crl.A.No.23 of 2019 on the file of the XX Additional Sessions Judge, City Civil Court, Chennai and enlarge the petitioner on bail pending the above criminal revision.



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For Petitioners

... Mr. S.Kalyanaraman
for Ms.Dr.R.Meenakshi

ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet in C.C.No.318 of 2012, vide judgement dated 27.12.2018, which was confirmed by the learned XX Additional Sessions Judge, City Civil Court at Chennai in Crl.A.No.23 of 2019, vide judgement dated 18.02.2023, pending disposal of the Criminal Revision Petition.

2. The petitioner/A2 is the Managing Director of the Petitioner/A1-Company. The trial Court, by its judgment dated 27.12.2018 convicted and sentenced the petitioners/accused as follows:

<i>Petitioners' Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused 1 and 2	U/s.138 of NI Act	A2 to undergo SI for six months and A1 to pay the double the amount of cheque amount as compensation.



3.Challenging the above judgment, the petitioners preferred an appeal in Crl.A.No.23 of 2019 on the file of the XX Additional Sessions Court, City Civil Court at Chennai and the learned XX Additional Sessions Judge, City Civil Court, Chennai, vide judgment dated 18.02.2023, confirmed the judgment of the trial Court.

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

5.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. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.



6.Head the learned counsel for the petitioners and perused the materials available on record.

7.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 petitioner/A2 is entitled to the relief of suspension of sentence and bail.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner/A2 on the following conditions:

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner/A2 shall surrender before the learned Judicial Magistrate III, Fast Track Court, Saidapet, Chennai within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner/A2 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 the learned



Judicial Magistrate III, Fast Track Court, Saidapet,
Chennai

(ii) The petitioner/A2 shall affix his photograph and Left Thumb Impression in the bond and the concerned Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and

(iii) The petitioner/A2 shall appear before the trial Court as and when required.

01.06.2023

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To

1. The XX Additional Sessions Judge, City Civil Court, Chennai.
2. The Judicial Magistrate III Fast Track Court, Saidapet



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V.SIVAGNANAM, J.

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