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Crl.M.P.No.5272 of 2023 in Crl.RC.No.685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5272 of 2023
in Crl.RC.No.685 of 2023

A. Bala Subramaniam

... Petitioner

/vs/

M/s.Pixel Clothings,
Partnership Firm represented by
G.Pradeep Kumar

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence of conviction order passed by the Hon'ble Fast Track Court at Magisterial Level, Tirupur in S.T.C.No.88 of 2020 dated 21.04.2022 and confirmed the order in C.A.No.48 of 2022 dated 23.02.2023 by the Principal District and Sessions Judge at Tiruppur against the petitioner and enlarge the bail.

For Petitioner ... Mr. G.Shanmugam

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Fast Track Court at Magisterial Level, Tiruppur in S.T.C.No.88 of 2020, vide judgement dated 21.04.2022, which was



confirmed by the learned Principal District and Sessions Judge at Tiruppur in Crl.A.No.48 of 2022, vide judgement dated 23.02.2023, pending disposal of the Criminal Revision Petition.

2. The trial Court, by its judgment dated 21.04.2022 convicted and sentenced the petitioner/accused as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for six months and to pay a compensation of Rs.2,57,380/- , in default, to undergo one month SI.

3 Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.48 of 2022 on the file of the Principal District and Sessions Court at Tiruppur and the learned Principal District and Sessions Judge, Tiruppur, vide judgment dated 23.02.2023, confirmed the judgment of the trial Court.



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

5.The learned counsel for the petitioner 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 petitioner has 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 petitioner and perused the materials available on record.

7.The petitioner has 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 is entitled to the relief of suspension of



sentence and bail.

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

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Hon'ble Fast Track Court at Magisterial Level, Tirupur within two weeks from the date of receipt of a copy of this order and on such surrender, the 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 the Fast Track Court at Magisterial Level, Tirupur.
- (ii) The petitioner 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 shall appear before the trial Court as and when required.

18.04.2023

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To

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1. The Principal District and Sessions Judge at Tiruppur
2. The Fast Track Court at Magisterial Level, Tirupur



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V.SIVAGNANAM, J.

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