



*Crl.M.P.No.8198 of 2023 in
Crl.RC No.1031 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1. Naveen Nanjundappa
Director, Dhayasree Precision Pvt. Ltd.
2. Narayanappa Bhavani,
Director, Dhayasree Precision Pvt. Ltd.
3. Dhayasree Precision Pvt Ltd.
No.C-10, SIPCPOT Industrial Estate,
Phase – 1, SIPCOT, Hosur – 635 126.
Petitioners

...

Vs.

S.Satyanarayan Agarwal,
Director,
Unitech Steel Industries Pvt. Ltd.,
No.6/1, Vanagaram Road, Ayanambakkam,
Chennai – 600 095.
Represented by their Power of Attorney,
Sanjai Modi, Manager,
No.6/1, Vanagaram Road, Ayanambakkam,
Chenna- 600 095.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 & 401 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioners in



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the judgment dated 17.03.2023 made in C.A.Nos.58 and 63 of 2019 on the file of the III Additional District and Sessions Court, Tiruvallur at Poonamallee confirming the judgment dated 22.02.2019 made in C.C.No.288 of 2017 on the file of the Judicial Magistrate, Fast Track Court, [Magisterial Level], Ambattur and enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

For Petitioners : Mr.V.Ashwin Kumar
Mr.C.E.Pratap

ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in C.C.No.288 of 2017, vide judgement dated 22.02.2019, which was confirmed by the lower appellate Court in C.A.Nos.58 and 63 of 2019, vide judgement dated 17.03.2023, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate Fast Track Court, [Magisterial Level], Ambattur, vide judgment dated 22.02.2019 passed in C.C.No.288 of 2017, convicted the petitioners for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced first and second petitioners to undergo 7 months Simple Imprisonment and A1 to A3 jointly to pay the



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cheque amount of Rs.11,97,487/- as compensation to the respondent/complainant and in default the first and second petitioners to undergo further period of two months simple imprisonment. Challenging the above judgment, the petitioners preferred Criminal Appeals in Crl.A.Nos.58 and 63 of 2019, which was also confirmed by the learned III Additional District and Sessions Court, Poonamallee, vide judgment dated 17.03.2023.

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

4. The learned counsel for the petitioners submitted that there is no duly proved legally enforceable debt as against the petitioners and 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.



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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.

7. Accordingly, it is ordered as follows :

(i) The substantive sentence of imprisonment alone is suspended and the first and second petitioners shall surrender before the concerned 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) to the satisfaction of the learned Judicial Magistrate, Fast Track Court, [Magisterial Level], Ambattur.***

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



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

19.06.2023

Index: Yes/No

Internet: Yes/No

vrc

To

1. The III Additional District and Sessions Court, Tiruvallur at Poonamallee
2. The Judicial Magistrate, Fast Track Court, [Magisterial Level], Ambattur.



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V.SIVAGNANAM, J.

VRC

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