



Crl.M.P.No.14035 of 2023
in Crl.R.C.No.1538 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.M.P.No.14035 of 2023
in Crl.R.C.No.1538 of 2023

M.Karthikeyan

... Petitioner

Vs.

M/s.Soliswara Tex,
Rep by its Managing Partner
V.Arunkumar

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 04.08.2023 in C.A.No.85/2022 on the file of the learned Principal Sessions Judge, Tiruppur, confirming the conviction and sentence made in the orders dated 24.06.2022 in S.T.C.No.2072/2017 on the file of the learned Judicial Magistrate, Palladam and enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.V.Ramamurthy



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CrI.M.P.No.14035 of 2023
in CrI.R.C.No.1538 of 2023

ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Principal Sessions Judge, Tiruppur in C.A.No.85/2022 on 04.08.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate, Palladam dated 24.06.2022 in S.T.C.No.2072/2017 and to enlarge the petitioner on bail.

2. The present revision petitioner, the second accused in S.T.C.No.2072/2017 on the file of Judicial Magistrate, Palladam was convicted and sentenced as follows on 24.06.2022 :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1.	Section 138 of N.I. Act	Simple imprisonment for eleven months and to pay the cheque amount as twice to the complainant as compensation within a period of two months, in default, to undergo simple imprisonment for three months.

3. Aggrieved over the judgment passed by the trial court, the second accused filed an appeal in C.A.No.85/2022 before the learned



Crl.M.P.No.14035 of 2023
in Crl.R.C.No.1538 of 2023

WEB COPY

Principal Sessions Judge, Tiruppur and the same was dismissed vide orders dated 04.08.2023, confirming the judgment passed by the trial court.

4. Now the present revision petitioner/second accused filed the criminal revision in Crl.R.C.No.1538/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.V.Ramamurthy, the learned counsel for the petitioner contended that the present petitioner has a fair chance to prove his innocence and succeed in the criminal revision. He therefore, prayed for suspending the sentence till the disposal of this Revision.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with the following conditions.

- i. The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a



Crl.M.P.No.14035 of 2023
in Crl.R.C.No.1538 of 2023

WEB COPY

like sum to the satisfaction of the learned Judicial Magistrate, Palladam.

- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

15.09.2023

(2/2)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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Crl.M.P.No.14035 of 2023
in Crl.R.C.No.1538 of 2023

R. HEMALATHA, J.
mtl

To

1. The Principal Sessions Judge, Tiruppur.
2. The Judicial Magistrate, Palladam.

Crl.M.P.No.14035 of 2023
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