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Crl.M.P.No.16075 of 2022 in Crl.RC.No.1442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.16075 of 2022

in

Crl.RC.No.1442 of 2022

Mr. Premkumar
Proprietor of M/s.C-Land
Fashions,
Door No.B-9, V.G.V.Garden,
Thirumurugan Poondi,
Thiruppur 641 652

... Petitioner

/vs/

M/s.P.L.Yarns,
represented by its Manager
S. Palaniappan,
Sethu Nivas, B.No.48, D.No.119-3,
Amarjothi Garden Extension,
3rd Street, Kangeyam Road,
Tiruppur 641 604

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) of Cr.P.C., to suspend the sentence confirmed in the order dated 09.09.2022 passed by the learned Principal Sessions Judge, Tiruppur in Criminal appeal bearing number C.A.No.21 of 2022.

For Petitioner

... M/s.V.Gayathri for
M/s.Nathan and Associates

For Respondent

... Mr.N. Alagu Narayanan
for M/s.RRN Legal



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.298/2016, dated 15.02.2022 by the Fast Track Court at Magisterial Level, Tiruppur, which was confirmed by the Principal Sessions Judge, Tiruppur in C.A.No.21 of 2022, dated 09.09.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.298 of 2016 was convicted and sentenced by the trial court on 15.02.2022 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 the compensation of Rs.12,78,866/-, (being the total amount of two cheques) to the complainant, in default, to undergo one month SI .

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Principal Sessions Judge, Tiruppur in Crl.A.No.21/2022, by its judgment dated 09.09.2022.



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3. Challenging the above conviction and sentence, the petitioner has filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. 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.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

6. 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.

7. Accordingly, the relief of suspension of sentence and bail is granted



to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Fast Track Court, Magisterial Level, Tiruppur, 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 an own bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the abovesaid court.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said 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.

03.04.2023

msr

To

1. The Fast Track Court, Magisterial Level, Tiruppur.
2. The Principal Sessions Judge, Tiruppur.



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V.SIVAGNANAM, J.

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