



CrI.M.P.No.1903 of 2023 in CrI.RC.No.233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.1903 of 2023

in

CrI.RC.No.233 of 2023

1. Ashish Nevatia
Director,
Office at No.315/152, Thambu
Chetty Street, 3rd Floor,
Chennai 600 001.
2. Nidhi Nevatia,
Director,
Office at No.315/152, Thambu
Chetty Street, 3rd Floor,
Chennai 600 001.

... Petitioners

/vs/

1. M/s.Kala Enterprises,
Represented by Prakash Bhatt,
No.15, Vasu Street, 2nd Floor,
Kilpauk, Chennai 600 010.
2. M/s.Core Indo Ispat P.Ltd.,
represented by
Ashish Nevatia-Director,
Office at No.315/152, Thambu
Chetty Street, 3rd Floor,
Chennai 600 001.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence imposed in C.C.No.3301 of 2017 on the file of Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai-1,



vide order dated 11.03.2019 and confirmed in C.A.No.151 of 2019 on the file of the VI Additional Sessions Judge at Chennai, vide order dated 10.10.2022 and grant bail to the petitioners, pending criminal revision petition.

For Petitioners ... M/s.G.Pavithra

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioners in C.C.No.3301 of 2017 dated 11.03.2019 by the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai-1, which was confirmed by the VI Additional Sessions Judge at Chennai in C.A.No.151 of 2019, dated 10.10.2022 and enlarge the petitioners on bail pending disposal of the above Criminal Revision Case.

2. The trial court, by its judgment dated 11.03.2019 in C.C.No.3301 of 2017, convicted and sentenced A1 to A3 as follows:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1, A2 and A3	U/s.138 of NI Act	To undergo ten months SI and to pay a compensation of Rs.40,00,000/- jointly and severally within one month, in default of payment of compensation, A2 and A3 shall undergo a further period of two months SI.



The petitioners herein are A2 and A3. Aggrieved against the conviction and sentence imposed by the trial court on the petitioners, they preferred appeal in Crl.A.No.151 of 2019 before the VI Additional Sessions Judge at Chennai, who, by his judgment dated 10.10.2022, confirmed the conviction and sentence imposed by the trial court.

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

4. 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. She 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.

5. Heard the learned counsel for the petitioners and perused the materials available on record.



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6. 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 petitioners are entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioners shall surrender before the Trial 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 Trial Court.
- (ii) The petitioners shall affix their photograph and Left Thumb Impression in the bond and the trial Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure their identity; and



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

10.02.2023

msr

To

1. The Metropolitan Magistrate,
Fast Track Court-IV, George Town, Chennai-1.
2. The VII Additional Sessions Judge,
Chennai.

V.SIVAGNANAM, J.



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