



Crl.M.P.Nos.1974 and 1975 of 2022
in
Crl.R.C.No.193 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P.Nos.1974 and 1975 of 2022
in
Crl.R.C.No.193 of 2022**

1.Tamilthai Trust
Represented by its Trustee,
R.Sivakami

2.R.Sivakami

3.T.Udayarkovil Guna

Vs.

... Petitioners in both petitions

P.Ravichandran

... Respondent in both petitions

PRAYER in Crl.M.P.No.1974 of 2022 : Criminal Miscellaneous Petition filed under Section 397(i) of Criminal Procedure Code, to suspend the sentence imposed on the petitioners in S.T.C.No.607 of 2016 on the file of the Judicial Magistrate (Fast Track Court No.II), Erode, vide judgment dated 25.02.2019 confirmed by the judgment made in C.A.No.142 of 2019 on the file of the Principal Sessions Judge, Erode, by a judgment dated 02.01.2020.



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PRAYER in Crl.M.P.No.1975 of 2022 : Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to grant exemption from surrendering before the Appellate Court on the judgment dated 02.01.2020 made in Crl.A.No.142 of 2019 on the file of the Principal Sessions Judge, Erode, confirming the judgment dated 25.02.2019 made in S.T.C.No.607 of 2016 on the file of the Judicial Magistrate (Fast Track Court No.II), Erode.

For Petitioners
in both petitions : Mr.C.S.Saravanan

For Respondent
in both petitions : Mr.M.Karthik

COMMON ORDER

Crl.M.P.No.1974 of 2022 has been filed to suspend the conviction and sentence imposed on the petitioners vide judgment dated 02.01.2020 passed in Crl.A.No.142 of 2019 by the learned Principal Sessions Judge, Erode, confirming the judgment dated 25.02.2019 passed in S.T.C.No.607 of 2016 by the learned Judicial Magistrate (Fast Track Court No.II), Erode, pending disposal of the criminal revision case and enlarge the petitioners on



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bail.

2. Crl.M.P.No.1975 of 2022 has been filed seeking to exempt the petitioners from surrendering before the learned Principal Sessions Judge, Erode, in connection with conviction made in Crl.A.No.142 of 2019 vide judgment dated 02.01.2020, confirming the conviction and sentence made in S.T.C.No.607 of 2016 vide judgment dated 25.02.2019 by the learned Judicial Magistrate (Fast Track Court No.II), Erode.

3. The petitioners were convicted for the offence under Section 138 of the Negotiable Instrument Act and were sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for three months each, vide judgment dated 25.02.2019 passed in S.T.C.No.607 of 2016, against which, appeal was filed in Crl.A.No.142 of 2019 before the learned Principal Sessions Judge, Erode, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.



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4. The learned counsel for the revision petitioners would submit that the petitioners have already paid a sum of Rs.75,000/- and they are ready to pay another sum of Rs.1,00,000/-. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioners are not in jail.

5. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone as against the petitioners is hereby suspended on the following conditions:

*(a) the petitioners shall deposit a sum of
Rs.1,00,000/- (Rupees One Lakh only) jointly to the credit
of S.T.C.No.607 of 2016 on the file of the learned Judicial*



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Magistrate (Fast Track Court No.II), Erode, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate (Fast Track Court No.II), Erode, along with two sureties for a like sum;

(c) the Petitioners shall report before the Court below on the first working day of every month at 10.30 a.m., until further orders.

7. Crl.M.P.No.1974 of 2022 is ordered accordingly. However, this Court is not inclined to exempt the petitioners from surrendering before the Court below. Hence, Crl.M.P.No.1975 of 2022 is dismissed.



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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

ssb

Note: Issue order copy by 12.07.2024

To

1. The learned Judicial Magistrate (Fast Track Court No.II), Erode.
2. The learned Principal Sessions Judge, Erode.



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3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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