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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7562 of 2024
in Crl.RC.No.856 of 2024

M/s.Kavipriya Textiles
Rep by A.Palanisamy,
No.3/198, Venkittapuram,
Civil Aerodrome Post,
Coimbatore: 641 062 ...Petitioner

Vs.

M/s.Akshat Yarn Pvt Limited
Rep by Mahendran
14/2, Bharathi Park Road,
Coimbatore – 641 043. ...Respondent

Prayer: Miscellaneous Petition has been filed under Sections 397(1) of Cr.P.C., to suspend the sentence against the petitioner in the judgment of I Additional District and Sessions Judge, Coimbatore in C.A.No.177 of 2019 vide order dated 10.01.2024 by confirming the order passed by the learned Judicial Magistrate, Fast Track Magistrate Level 2 Coimbatore dated 13.05.2019 in C.C.No.816 of 2017.

For Petitioner : Ms.M.V.Saranya

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ORDER

This petition has been filed to suspend the sentence against the petitioner in the judgment of I Additional District and Sessions Judge, Coimbatore in C.A.No.177 of 2019 vide order dated 10.01.2024 by confirming the order passed by the learned Judicial Magistrate, Fast Track Magistrate Level 2 Coimbatore dated 13.05.2019 in C.C.No.816 of 2017.

2. The revision petitioner was convicted for the offence under Sections 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six year and to pay compensation of Rs.15,60,000/- with 6% per annum from the date of cheque within one month from the date of judgment in default of payment of compensation to undergo simple imprisonment for three months. Aggrieved by the same, the revision has been filed along with the present petition.

3. The learned counsel for the petitioner would submit that there

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are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest the present petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail. He further submitted that the petitioner had already deposited 20% of the enforceable debt to the credit of C.C.No.816 of 2017.

4. 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 and the fact that the petitioner had already deposited 20% of the enforceable debt, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit 30% of the cheque amount to the tune of Rs.4,68,000/-(Rupees four lakh sixty

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eight thousand only) to the credit of the C.C.No.816 of 2017 on the file of learned Judicial Magistrate, Fast Track Magistrate Level 2 Coimbatore within a period of two weeks from the date of receipt of a copy of this order.

6. Crl.MP.No.7562 of 2024 is ordered accordingly.

06.06.2024
(2/2)

msv

Note: Issue order copy on 07.06.2024

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

To

1.The I Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate, Fast Track Magistrate Level 2 Coimbatore
3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI, J.

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