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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.Nos.7782 and 7783 of 2024
in Crl.RC.No.911 of 2024

1.M/s.Pacific Infotech Private Limited,
Rep.by its Director, Ashok B Jeswani,
Plot No.A/2, First Floor,
Tahira Industries Compound, Inside Premson Premises,
Opp. Jain Mandir, Caves Road, Jogeshwari (East),
Mumbai-400 060.

2.Ashok B.Jeswani
Director,
M/s.Pacific Infotech Private Limited,
10/B, ABBAS Building, 1st Floor,
Jalbhai Street near Dreamland Cinema,
Grand Road (East), Mumbai-400 004.

3.Kishore B.Jeswani
Director,
M/s.Pacific Infotech Private Limited,
10/B, ABBAS Building, 1st Floor,
Jalbhai Street near Dreamland Cinema,
Grand Road (East), Mumbai-400 004.

4.Sanjay Daudayal Sharma,
Director,
M/s.Pacific Infotech Private Limited,

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10/B, ABBAS Building, 1st Floor,
Jalbhai Street near Dreamland Cinema,
Grand Road (East), Mumbai-400 004.

...Petitioners in both petitions

Vs.

M/s.Redington India Limited,
Rep.by its Power of Attorney,
M.Sundarrajan,
SPL Guindy House,
95, Mount Road, Guindy,
Chennai-600 032. ...Respondent in both petitions

Prayer in Crl.M.P.No.7782 of 2024: Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code praying to suspend the sentence to undergo simple imprisonment for nine months and to pay a sum of Rs.1,34,23,970/- to the complainant towards compensation in default to undergo simple imprisonment for three months confirmed by XXI Additional Sessions Court, Chennai, by judgment dated 29.04.2024, pending disposal of the revision petition.

Prayer in Crl.M.P.No.7783 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to exempt the petitioners from surrendering before the trial Court pending disposal of the petition.

In both petitions

For Petitioners : Mr.S.Suresh

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C O M M O N O R D E R

Crl.M.P.No.7782 of 2024 has been filed to suspend the sentence imposed on the petitioners vide judgment dated 29.04.2024 passed in C.A.No.405 of 2023 by the learned XXI Additional Sessions Judge, Chennai, confirming the judgment dated 19.06.2023 passed in C.C.No.1425 of 2016 by the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai.

2. Crl.M.P.No.7783 of 2024 has been filed seeking to exempt the petitioners from surrendering before the trial Court pending disposal of the revision petition.

3. The revision petitioners were convicted for the offence under Section 255(2) Cr.P.C and sentenced to undergo simple imprisonment for a period of nine months and to pay a compensation of Rs.1,34,23,970/- which was covered under two cheques amount, in default, to undergo simple imprisonment for a period of three months, vide judgment dated 19.06.2023

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made in C.C.No.1425 of 2016, which, appeal was confirmed by the Appellate Court in C.A.No.405 of 2023 vide judgment dated 29.04.2024 by the learned XXI Additional Sessions Judge, Chennai. Aggrieved by the same, the revision case has been filed along with the present petitions.

4. The learned counsel for the petitioners would submit that the petitioners have already deposited 20% of the cheques amount and there 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 petitioners from surrendering before the Court below are 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 revision petitioners are entitled for the relief of suspension of sentence.

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6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioners shall deposit 30% of the cheques amount jointly to the credit of C.C.No.1425 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

7. Crl.MP.No.7782 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioners from surrendering before the Court below. Hence, Crl.MP.No.7783 of 2024 is dismissed.

06.06.2024
(2/2)

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Note: Issue order copy on 07.06.2024

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

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To

1.The learned XXI Additional Sessions Judge, Chennai.

2. The learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI, J.

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Crl.M.P.Nos.7782 and 7783 of 2024
in Crl.RC.No.911 of 2024

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