



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.07.2024

CORAM:

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

CrI.M.P.Nos.4985, 4989, 4990, 4994, 4998 and 4999 of 2022
in CrI.RC.Nos.483, 484, 485, 486, 487 and 488 of 2022

Liyakath Alikhan

...Petitioner in all the petitions

Vs.

M/s.Hussaifa Products,
Rep. By Partner,
Husaifa Bhai,
S/o.M.S.Siraj,
No.47/15, Kallankuthu Street,
Salem-636 001.

...Respondent in all the petitions

Common prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the order of conviction dated 28.01.2019 in C.A.Nos.136, 135, 134, 132, 137 and 133 of 2018 on the file of the learned III Additional District and Sessions Judge, Salem confirming the order dated 14.08.2018 in STC.Nos.1029, 1028 and 1027 of 2008, CC.No.359 of 2006, STC.No.1030 of 2008 and CC.No.61 of 2007 on the file of the learned Judicial Magistrate-II, Salem.

For Petitioner : Mr.M.J.Jaseem Mohamed
(for all the cases)



For Respondent : Mr.Sathiyamoorthi (for all the cases)

COMMON ORDER

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The petitioner has filed these Criminal Miscellaneous petitions to suspend the order of conviction dated 28.01.2019 in C.A.Nos.136, 135, 134, 132, 137 and 133 of 2018 on the file of the learned III Additional District and Sessions Judge, Salem confirming the order dated 14.08.2018 in STC.Nos.1029, 1028 and 1027 of 2008, CC.No.359 of 2006, STC.No.1030 of 2008 and CC.No.61 of 2007 on the file of the learned Judicial Magistrate-II, Salem.

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act in C.A.Nos.136, 135, 134, 132, 137 and 133 of 2018 on the file of the learned III Additional District and Sessions Judge, Salem and sentenced to undergo six months simple imprisonment in C.A.No.136, 135, 134, 132, 137 and 133 of 2018 respectively and to pay a fine of Rs.3,00,000/-, Rs.5,00,000/-, Rs.3,00,000/- , 5,00,000/-, Rs.4,00,000/- and Rs.5,00,000/- respectively as compensation in each of the cases. Aggrieved by the same, these revisions have been filed along with the petitions seeking suspension of



sentence.

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3. The learned counsel for the petitioner submit that there are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay 50% of the cheque amount in all the cases in the credit of the cases before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revisions and further, the petitioner has come forward to pay 50% of the cheque amount in all the cases, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 28.01.2019 made in C.A.Nos.136, 135, 134, 132, 137 and 133 of 2018 on the file of the learned III Additional District and Sessions Judge, Salem is suspended, subject to the following conditions :-



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"(a) The petitioner is directed to deposit 50% of the cheque amount in STC.Nos.1029, 1028 and 1027 of 2008, CC.No.359 of 2006, STC.No.1030 of 2008 and CC.No.61 of 2007 on the file of the learned Judicial Magistrate-II, Salem within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute separate bail bonds in all the cases for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Salem. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Judicial Magistrate-II, Salem on the first working day of the every English Calendar Month at 10.30 am, until further orders; and

(d) If the petitioner fails to deposit the



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amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner."

6. CrI.M.P.Nos.4985, 4989, 4990, 4994, 4998 and 4999 of 2022 are ordered accordingly.

05.07.2024
(2/2)

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Note: Issue order copy on 15.07.2024

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

M.DHANDAPANI, J.

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To

1. The Judicial Magistrate-II, Salem.

2. The III Addl. District and Sessions Judge, Salem.

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

Crl.M.P.Nos.4985, 4989, 4990,
4994, 4998 and 4999 of 2022
in Crl.RC.Nos.483, 484, 485,
486, 487 and 488 of 2022

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