



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.9222 and 9221 of 2019
IN
CRL RC(MD) No.801 of 2019

1.M/S.SURYA PLASTICS,
REP BY ITS PROPRIETOR AND AUTHORIZED SINGNATORY
R.MURALI @ MUTHUKUMARASAN

2.R.MURALI @ MUTHUKUMARESAN

... PETITIONERS/APELLANT/
ACCUSED
IN BOTH PETITIONS

Vs

K.MADHAVAN

... RESPONDENT/ RESPONDENT/
COMPLAINANT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.9222 of 2019 IN CRL RC(MD) No.801 of 2019:

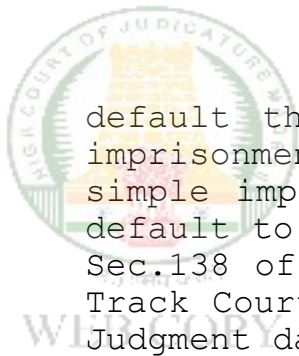
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment and sentence imposed by the learned Additional Sessions Judge, Karur, in Crl.A.No.11 of 2019 by the Judgment dated 20.05.2019, by confirming the conviction Viz.,
a) 1st petitioner's company is directed to pay a fine of Rs.3000/- in default the 2nd petitioner is directed to undergo 30 days simple imprisonment on behalf of the 1st petitioner's company. b) One year simple imprisonment for the 2nd petitioner and fine of Rs.3000/- in default to undergo 30 days Simple Imprisonment for an offence under Sec.138 of N.I.Act, passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur in C.C.No.354 of 2016 by the Judgment dated 04.02.2019 Aggrieved over the same.

PRAYER IN CRL MP(MD)No.9221 of 2019 IN CRL RC(MD) No.801 of 2019:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to exempt the petitioner from surrender in pursuant to the Judgment dated 20.05.2019 by the Crl.A.No.11 of 2019 by by confirming the conviction Viz.,

a) 1st petitioner's company is directed to pay a fine of Rs.3000/- in

<https://hcservices.ecourts.gov.in/hcservices/>



default the 2nd petitioner is directed to undergo 30 days simple imprisonment on behalf of the 1st petitioner's company. b) One year simple imprisonment for the 2nd petitioner and fine of Rs.3000/- in default to undergo 30 days Simple Imprisonment for an offence under Sec.138 of N.I.Act, passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur in C.C.No.354 of 2016 by the Judgment dated 04.02.2019 Aggrieved over the same.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.G.KARUPPASAMY PANDIYAN, Advocate for the petitioners in both petitions and of Mr.S.GOKULRAJ, Advocate on behalf of the Respondent in both petitions, the court made the following common order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act, and the first petitioner's Company is directed to pay a fine of Rs.3,000/- in default the 2nd petitioner is directed to undergo simple imprisonment for a period of 30 days and the second petitioner has been convicted by the trial Court and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for a period of 30 days in C.C.No.354 of 2016, on the file of the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur.

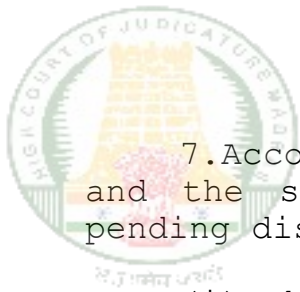
2.The learned Additional Sessions Judge, Karur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.11 of 2019, dated 20.05.2019.

3.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned counsel for the respondent that there are enough materials available on record against the petitioners and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.



7. Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision on the following conditions:-

(i) the petitioners are directed to be enlarged on bail on them executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur;

(ii) Since the cheque amount is Rs.7,00,000/- the petitioners are directed to deposit 30% of the same i.e a sum of Rs.2,10,000/- (Rupees Two lakhs ten thousand only) to the credit of C.C.No.354 of 2016, on the file of the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the 2nd petitioner (Proprietor and Authorized Signatory of M/s.Surya Plastics) shall appear before the said Court daily at 10.30 a.m pending revision.

8. The 2nd petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
28/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL SESSIONS JUDGE, KARUR.
2. THE JUDICIAL MAGISTRATE/ FAST TRACK COURT AT
MAGISTRATE LEVEL, KARUR.
3. THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT

+1. C.C. to Mr.G.KARUPPASAMY PANDIYAN Advocate SR.No.1677
+1. C.C. to Mr.S.GOKULRAJ Advocate SR.No.1656

ORDER
IN
CRL MP(MD) Nos.9222 and 9221
of 2019 IN
CRL RC(MD) No.801 of 2019
Date :28/01/2020

VSD

<https://hcv.judges.org.in/CaseDetails/1.2020/3P/6C>