

Crl.M.P.Nos.5136 & 5362 of 2017
in
Crl.R.C.No.579 of 2017

V.BHARATHIDASAN, J.,

Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and petitioner was sentenced to undergo simple imprisonment for 6 months and to pay the cheque amount of Rs.3,00,000/-, as compensation, by the learned Magistrate, Fast Track Court(Magisterial level), Ambattur, by a judgment dated 17.12.2014 in S.T.C.No.83 of 2014. Challenging the same, petitioner had preferred an appeal in C.A.No.1 of 2015 on the file of I Additional District and Sessions Court, Tiruvallur, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 29.11.2016. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.5136 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.5362 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. The learned counsel appearing for the petitioner would submit the petitioner was running a chit fund, in which, the complainant was a subscriber and he has repaid only half of the chit amount and he is liable to pay Rs.1,00,000/- only, for which the complainant is insisting cheque of Rs.2,00,000/- and there is no liability to pay Rs.2,00,000/-.

4. Heard the learned counsel appearing for the petitioner and perused the impugned judgment and the materials available on record carefully.

5. Taking into consideration of the submission of the learned counsel, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, pending revision, the **sentence is suspended on condition that the petitioner shall deposit a sum of Rs.1,50,000/-(Rupees One Lakh and Fifty Thousand only) to the credit of S.T.C.No.83 of 2014 on the file of the Fast Track Court(Magisterial Level), Ambattur, within a period of 8 weeks from today and the petitioner is released on bail on his executing a bond 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 Magistrate, Fast Track Court (Magisterial Level), Ambattur, with further condition that he shall**

appear before the said court on the first working day of every month at 10.30 a.m., until further orders. If the petitioner fails to comply with the above condition, this order shall stand automatically vacated without any further reference to this Court. The surrender of the petitioner before the trial Court is exempted.

13.04.2017
(2/2)

mrp

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