

Crl.M.P.Nos.8098 of 2017

in

Crl.R.C.No.871 of 2017

V.BHARATHIDASAN, J.,

Petitioner/A1 was convicted for an offence under Section 138 of the Negotiable Instruments Act and imposed compensation being the value of the cheque amount at Rs.35,00,000/- to the complainant by the learned Metropolitan Magistrate, Fast Track Court -IV, George town, Chennai, by a judgment dated 07.05.2015 in C.C.No.11127 of 2006. Challenging the same, petitioner/A1 had preferred an appeal in C.A.No.225 of 2016 on the file of the IV Additional City Civil Court, Chennai, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 22.06.2017. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.8098 of 2017 has been filed seeking suspension of sentence imposed on the petitioner.

3. Mr. B.Kumar, Senior counsel, appearing for the petitioner would submit that the debt is time barred debt and even as per the case of the complainant, the petitioner and others had borrowed money in the year 2002 and for discharging the same, they have executed a cheque after 4 years. There is no averment in the complaint that the loan amount was indorsed by the petitioner.

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

V.BHARATHIDASAN, J.,

mrp

5. Taking into consideration of the submission of the learned counsel for the petitioner, 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, there shall be suspension of payment of compensation amount to the complainant by the petitioner and the authorized signatory of the petitioner company 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 Metropolitan Magistrate, Fast Track Court -IV, George Town, Chennai, 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. The surrender of the petitioner before the trial Court is exempted.

29.06.2017

(3/3)

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