

Crl.M.P.Nos.8164 &8254 of 2017**in****Crl.R.C.No.876 of 2017****V.BHARATHIDASAN, J.,**

Petitioners/A1 and A2 were convicted for an offence under Section 138 of the Negotiable Instruments Act and both the petitioners were sentenced to undergo simple imprisonment for 2 years and to pay a sum of Rs.1,50,000/- as compensation, in default, to undergo simple imprisonment for 3 months each, by the learned Judicial Magistrate, Judicial Magistrate Court No.II, Thirupur, by a judgment dated 10.12.2015 in S.T.C.No.2649 of 2017. Challenging the same, petitioners had preferred an appeal in C.A.No.2 of 2016 on the file of the I Additional District and Sessions Court, Tiruppur, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 21.04.2017. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.8164 of 2017 has been filed seeking suspension of sentence imposed on the petitioners and Crl.M.P.No.8254 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. The learned counsel appearing for the petitioners submit that the complainant is one of the partners in the partnership firm and he wants to retire from the partnership firm, and for that purpose, the petitioners had given two cheques to settle the amount and subsequently, he refused to retire and still continuing as a partner in the partnership firm. But misusing the cheque, the present complaint has been filed.

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

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5. Taking into consideration of the submission of the learned counsel for the petitioners, 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 **substantive sentence of imprisonment including compensation is suspended** and the petitioners are released on bail on each of them 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 Judicial Magistrate No.II, Tiruppur, with further condition that they 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 petitioners before the trial Court is exempted.

30.06.2017

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