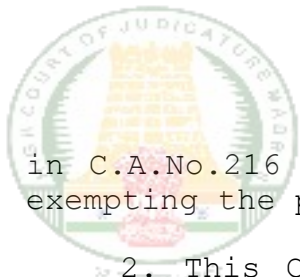




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Cr1.R.C.No.1123 of 2021



in C.A.No.216 of 2020 pending disposal of the main revision and exempting the petitioner from surrendering.

2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In the trial court judgment, for non-payment of the cheque amount in question, viz., Rs. 5,00,000/-, the accused 1 and 2 were convicted and sentenced for the offence under Section 138 of NI Act to undergo Six months Simple Imprisonment and to pay a compensation of Rs.5,00,000/- by the accused within two months from the date of copy of the order passed in C.C.No.384 of 2015. The petitioner had filed appeal in Crl.A.No.216 of 2020 before the IV Additional and Sessions Judge, Coimbatore and the Appellate Court by judgment dated 26.11.2021, had dismissed the appeal and confirmed the conviction and sentence, against which, the present revision has been filed.

4. Learned counsel for the petitioner would submit that the petitioner has already deposited Rs.1,00,000/- at the time of appeal and he is prepared to deposit the entire balance amount of Rs.4,00,000/- to the credit of C.C.384/2015 before learned Judicial Magistrate, Fast Track Court No.I, Magisterial Level, Coimbatore. According to the learned counsel for the petitioners/accused 1 and 2, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioners/accused 1 and 2 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/Accused 1 and 2 may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner/Accused shall deposit the balance amount of the cheque namely Rs.4,00,000/- (Rupees Four Lakhs Only) before the Trial Court, within four weeks from the date of receipt of a copy of this order and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case. Thereafter, the petitioners/accused 1 and 2 is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom,



one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court No.I, Magisterial Level, Coimbatore.

(b) The petitioners/accused 1 and 2 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners/ accused 1 and 2 shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

(d) On the failure of the Petitioner/Accused 1 and 2, depositing the said amount, it is open to the Trial Court to commit the petitioners/accused 1 and 2 into custody for undergoing the sentence.

6. These Criminal Miscellaneous Petitions stand ordered accordingly. Post the matter after five weeks for reporting compliance.

-sd/-

07/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.I, MAGISTRATE LEVEL,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.



4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

WEB COPY
+2C.C. to M/S. L.MOULI Advocate on payment of necessary charges
SR.No.373 + 372

Order
in
CRL MP.NOs.14348&14349/2021
in
CRL.RC.1123/2021
Date :07/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 11/01/2022