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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.8897 and 8899 of 2024
in Crl.RC.No.1050 of 2024

T.Vasu

...Petitioner

Vs.

T.M.Veera Sekaran

...Respondent

Crl.MP.No.8897 of 2024: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence in C.A.No.65 of 2021 dated 17.08.2023 on the file of the IV Additional District & Sessions Judge, Tiruvallur at Ponneri confirming the judgment passed by the Judicial Magistrate, Tiruvottiyur in STC. No.2391 of 2016 dated 30.04.2021 and enlarge the petitioner on bail.

Crl.MP.No.8899 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to exemption of surrendering to the petitioner/accused in order of dismissal passed in C.A.No.65 of 2021 dated 17.08.2023 on the file of the IV Additional District & Sessions Judge, Tiruvallur at Ponneri confirming the judgment passed by the Judicial Magistrate, Tiruvottiyur in STC. No.2391 of 2016 dated 30.04.2021.



For Petitioner : Mr.J.Kather Hussain

ORDER

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The petitioner has filed the Criminal Miscellaneous petition to suspend the sentence in C.A.No.65 of 2021 dated 17.08.2023 on the file of the IV Additional District & Sessions Judge, Tiruvallur at Ponneri confirming the judgment passed by the Judicial Magistrate, Tiruvottiyur in STC. No.2391 of 2016 dated 30.04.2021 and enlarge the petitioner on bail.

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.21,00,000/- as compensation, in default, to undergo SI for one month. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the petitioner submit that there are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. It is further submitted that apprehending arrest, the



present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay 50% of the cheque amount in the credit of the case before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of the fine amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 17.08.2023 made in C.A.No.65/2021 on the file of the learned IV Additional District and Sessions Judge, Tiruvallur is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit 50% of the cheque amount in STC.No.2391 of 2016 on the file of the learned Judicial Magistrate, Tiruvottiyur within a period of two weeks from the date of receipt of copy of this order.



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(b) *The petitioner shall execute a bail 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, Thiruvottiyur. This bail bond shall be entertained only after the deposit of the money specified in clause (a).*

(c) *The petitioner shall appear before the learned Judicial Magistrate, Thiruvottiyur on the first working day of the every English Calendar Month at 10.30 am, until further orders; and*

(d) *If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately*



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*issue non-bailable warrant and secure the petitioner to
serve the sentence imposed against the petitioner."*

6. CrI.MP.No.8897 of 2024 is ordered accordingly. However, this Court is inclined to dismiss the petition in CrI.MP.No.8899 of 2024 and the same is dismissed.

**24.06.2024
(2/2)**

Note: Issue order copy on 25.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Judicial Magistrate, Thiruvottiur.
2. The IV Addl. District and Sessions Judge, Tiruvallur @ Ponneri.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI, J.

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