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Crl.M.P.Nos.5547 and 5548 of 2024

in

Crl.R.C.No.599 of 2024

**Crl.M.P.Nos.5547 and 5548 of 2024**

**in**

**Crl.R.C.No.599 of 2024**

**M. NIRMAL KUMAR, J.**

These Criminal Miscellaneous Petitions are filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused to undergo one year simple imprisonment and to pay a sum of Rs.2,50,000/- as compensation to the respondent, passed by the learned Additional District and Sessions Judge, Dharmapuri in C.A.No.18 of 2022 dated 03.02.2024, confirming the order dated 25.07.2022 in S.T.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Fast Track Court, Dharmapuri, exempt from surrendering and grant bail pending disposal of the above revision petition.

2.The petitioner, who is an accused in S.T.C.No.42 of 2020, on a private complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, was convicted by the learned Judicial Magistrate, Fast Track



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Court, Dharmapuri by judgment dated 25.07.2022 and sentenced to undergo one year simple imprisonment and directed to pay the cheque amount of Rs.2,50,000/- as compensation. Aggrieved against the same, he preferred an appeal before the learned Additional District and Sessions Judge, Dharmapuri in Crl.A.No.18 of 2022. The learned Sessions Judge, by judgment dated 03.02.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, the petitioner/accused filed Crl.R.C.No.599 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The contention of the learned counsel for petitioner is that the petitioner and the respondent/complainant are close relatives. In their relationship, a cheque was given as security. The hand loan received by the petitioner for his son's marriage had been repaid but not giving credit to the repayment, the respondent filed the above complaint. The petitioner also



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replied to the notice giving all details but the trial Court not considered the same. Further, the petitioner submitted that at the time of preferring the appeal he deposited 20% of the cheque amount, i.e., Rs.50,000/- to the credit of S.T.C.No.42 of 2020. He further submitted that the petitioner has arguable points and fair chance of success in this revision. He further submitted that to show his bonafide, the petitioner is ready to further deposit Rs.75,000/-, which is 30% of the cheque amount of Rs.2,50,000/- to the credit of S.T.C.No.42 of 2020. The petitioner apprehends detention since the respondent is taking steps to execute the conviction warrant.

4.Already petitioner had deposited 20% of the cheque amount, i.e., Rs.50,000/- and now undertakes to deposit Rs.75,000/- (30% of the cheque amount) within a period of three weeks, in total Rs.1,25,000/- (50% of cheque amount) will be credited in S.T.C.No.42 of 2020.



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5.Finding that the offence under Section 138 of Negotiable

Instruments Act is a bailable offence and the petitioner now come forward to deposit Rs.75,000/-, this Court is inclined to suspend the sentence imposed on the petitioner.

6.Accordingly, the reliefs of suspension of sentence, exemption for surrender and bail are granted to the petitioner on the following conditions till the disposal of the above Criminal Revision:

(a) The petitioner/accused is directed to deposit the amount of Rs.75,000/- (Rupees Seventy Five thousand only) to the credit of S.T.C.No.42 of 2020 on the file of learned Judicial Magistrate, Fast Track Court, Dharmapuri within a period of three weeks from today;

(b) On such payment, the petitioner is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each



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for a like sum to the satisfaction of the learned  
Judicial Magistrate, Fast Track Court, Dharmapuri;

(c) The respondent is at liberty to receive the amount of Rs.1,25,000/- deposited to the credit of S.T.C.No.42 of 2020, by filing appropriate petition/Memo. The trial Court without notice to the petitioner to hand over the amount deposited. But with a condition, respondent to file an undertaking affidavit, that the receipt of the amount deposited is subject to the outcome of the above revision case;

(d) The petitioner/accused 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;

(e) The petitioner is directed to appear before the trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the criminal revision case and if he is not able to appear before the Trial Court on that day, he



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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;

(f) It is made clear that no further extension of time will be entertained. In the event of petitioner not paying the amount of Rs.75,000/- within a period of three weeks, the order of granting suspension of sentence would automatically stand cancelled without further reference.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

28.03.2024

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To

- 1.The Judicial Magistrate,  
Fast Track Court, Dharmapuri.
- 2.The Additional District and Sessions Judge,  
Dharmapuri.



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