



Crl.M.P.Nos.11196 & 11198 of 2024
in Crl.R.C.No.1281 of 2024

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in

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M. NIRMAL KUMAR, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to grant suspension of the conviction and sentence passed in Crl.A.No.334 of 2023 dated 04.04.2024 on the file of learned XVII Additional Sessions Judge, City Civil Court at Chennai confirming the conviction and sentence passed in C.C.No.7315 of 2014 dated 23.05.2023 on the file of learned Metropolitan Magistrate, Fast Tract Court at Magistrate Level-V, Saidapet, Chennai, pending disposal of above Criminal revision and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the Lower Court.

2.The petitioner/accused in C.C.No.7315 of 2014 was convicted by the trial Court by judgment dated 23.05.2023 for offence under Section 138



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of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay cheque amount of Rs.1,93,700/- as compensation. Aggrieved against the same, the petitioner preferred an appeal before the learned XVII Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No334 of 2023. The learned Sessions Judge, by judgment dated 04.04.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which she filed a revision before this Court in Crl.R.C.No.1281 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The learned counsel for petitioner submitted that while preferring an appeal, the petitioner had deposited 20% of the cheque amount, i.e., Rs.38,740/- on 16.08.2022. The contention of the petitioner is that the petitioner and the respondent/complainant are neighbours known to each families. The respondent projected as though the petitioner borrowed hand



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loan of Rs.1,93,700/- and executed promissory note and issued cheque for the said amount, which got dishonoured and a case registered against him. The further contention of the petitioner is that the petitioner is a qualified engineer and Licensed Surveyor approved by the Corporation of Chennai and professionally drawing plan for construction of both domestic and commercial buildings in and around Chennai. During the middle of October 2012, the respondent/complainant approached the petitioner for drawing a plan. The petitioner prepared a plan and the respondent applied the plan for approval, which was rejected on technical defect and thereafter the respondent lodged a complaint with the police. In the police station compromise was arrived on an understanding that cheque received in the police station would be filled up for Rs.25,000/- but on the contrary an amount of Rs.1,93,700/- filled up, which fact has not been considered by the trial Court as well as Lower Appellate Court.



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4.Today, the learned counsel for petitioner produced a receipt dated 22.08.2024 for depositing 30% of the cheque amount, i.e., Rs.58,110/-, in total, 50% of the cheque amount, i.e., Rs.96,850/- lying in the credit of C.C.No.7315 of 2014. Learned counsel for petitioner has got no objection for the respondent to receive the amount of Rs.96,850/-. His only concern is that it should be subject to the outcome of the above revision.

5.The respondent can approach the trial Court seeking return of the amount by filing appropriate petition before the trial Court.

6.In view of the above, the reliefs of suspension of sentence, exemption from surrendering and bail are granted to the petitioner on the following conditions till the disposal of the above Criminal revision:

(a) The petitioner/accused is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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thousand only) with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai - 15.

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

(c) The petitioner 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 and if he is not able to appear before the Trial Court on that 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.



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7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27.08.2024

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Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral citation : Yes/No

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To

1.The XVII Additional Sessions Judge,
City Civil Court, Chennai.

2.The Metropolitan Magistrate,
Fast Tract Court at Magistrate Level-V,
Saidapet, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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