

Crl.M.P.Nos.8175 and 8178 of 2023
In
Crl.R.C.No.1024 of 2023

M.DHANDAPANI,J.

The petitioner Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year R.I. and to pay the cheque amount of Rs.5,10,338/- as compensation to the complainant within three months in default to undergo two months S.I. by the learned Judicial Magistrate No.6, Coimbatore under judgment dated 16.12.2020 in C.C.No.280 of 2017. The conviction and sentence imposed by the trial Court was confirmed by the learned III Additional District and Sessions Judge, Coimbatore, under judgment in C.A.No.12 of 2021 dated 28.03.2023.

2.The learned counsel for the petitioner submitted that during the pendency of the revision, the petitioner has deposited 20% of the cheque amount i.e., Rs.1,02,070/- and further submitted that pursuant to the order dated 16.06.2023 made in Crl.R.C.No.1024 of 2023 and Crl.M.P.Nos.8175 and 8178 of 2023, the petitioner deposited

another 20% of the cheque amount i.e., Rs.1,02,070/-, in toto, the petitioner has deposited a sum of Rs.2,04,140/- before the Court below.

3.In view of the above, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to appear before the trial Court and execute 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.6, Coimbatore and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

5.The criminal miscellaneous petition in Crl.M.P.No.8175 of 2023 is ordered accordingly.

6.In view of the order passed in Crl.M.P.No.8175 of 2023 , the petition for exemption to surrender in Crl.M.P.No.8178 of 2023 is dismissed.

15.07.2024

pri

Crl.M.P.Nos.8175 and 8178 of 2023 In Crl.R.C.No.1024 of 2023

M.DHANDAPANI, J.
pri

Crl.M.P.Nos.8175 and 8178 of 2023
In
Crl.R.C.No.1024 of 2023

15.07.2024