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Crl.M.P.Nos.11079 & 11080 of 2024  
in Crl.R.C.No.1267 of 2024

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.123 of 2020 dated 21.12.2023 by the learned Principal Sessions Judge, Erode confirming the judgment dated 19.10.2020 in S.T.C.No.55 of 2015 passed by the learned Judicial Magistrate, Perundurai and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the Trial court, pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued a cheque for a sum of Rs.9,00,000/-; that when the said cheque was presented for collection, it was returned for the reason “Funds Insufficient” and that in spite of statutory notice, the petitioner did not make any payment.



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3.The learned counsel for the petitioner would submit that there are several arguable points in the revision; that to show his bonafide the petitioner had already paid 50% of the cheque amount to the respondent and that there is a possibility of settlement and hence, prayed for suspension of sentence in the meantime.

4.The learned counsel for the respondent acknowledges the fact that the petitioner has paid 50% of the cheque amount.

5.Considering the above facts, this Court is of the view that the sentence imposed on the petitioner can be suspended and he can be exempted from surrendering before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i)The petitioner shall 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, Perundurai;



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(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every 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 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; and

6.In the result, the criminal miscellaneous petitions are ordered.

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(2/2)

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