



WEB COPY



Crl.MP No.16656 of 2024
in Crl.RC No.2017 of 2024

Crl.M.P.No.16656 of 2024
in Crl.RC.No.2017 of 2024

SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the judgment dated 28.03.2024 made in C.A.No.279 of 2017 on the file of the I Additional District and Sessions Judge, Erode confirming the judgment of the trial court dated 03.10.2017 in STC No.90 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode, pending disposal of the above revision.

2. The case of the respondent is that towards discharge of his liability, the petitioner has issued two cheques for Rs.5,00,000/- which when presented was returned for the reason “drawer's signature differs” and inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for the petitioner would submit that a blank cheque issued to one Saravanan was misused by the complainant in collusion with the said Saravanan; that the respondent had not established



Crl.MP No.16656 of 2024
in Crl.RC No.2017 of 2024

that there is legally enforceable debt; and that there are several arguable points in the above revision which requires consideration; and to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence.

4. Heard the learned counsel for the petitioner as well as respondent and perused the records.

5. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration and the fact that the petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to the following conditions, till the disposal of the above Criminal Revision :



WEB COPY



CrI.MP No.16656 of 2024
in CrI.RC No.2017 of 2024

(i) The petitioner/accused is directed to deposit 50% of the cheque amount i.e.,Rs.2,50,000/- [Rupees Two Lakhs Fifty Thousand only], within a period of four weeks from the date of receipt of a copy of this order;

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(iii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I, Erode ;

(iv) 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;



WEB COPY



Crl.MP No.16656 of 2024
in Crl.RC No.2017 of 2024

(v) 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

(vi) On the failure of the petitioner/accused, depositing the said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

05.12.2024
(2/2)

rgr



WEB COPY



Crl.MP No.16656 of 2024
in Crl.RC No.2017 of 2024

SUNDER MOHAN, J.

rg

To

1.The I Additional District & Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court No.I,
Erode,

3.The Public Prosecutor,
High Court, Madras.

Crl.M.P.No.16656 of 2024
in Crl.RC.No.2017 of 2024

05.12.2024
(2/2)