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*Crl.M.P.Nos.13030 & 13031 of 2024
in Crl.R.C.No.1570 of 2024*

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in

Crl.R.C.No.1570 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner / accused by the learned III Additional District and Sessions Judge, Coimbatore in C.A.No.372 of 2019, dated 24.04.2024, dismissing the appeal and confirming the conviction and sentence imposed by the learned Judicial Magistrate No.VII, Coimbatore in C.C.No.1550 of 2019 dated 18.10.2019 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.The case of the prosecution is that the petitioner was working as a Computer Operator in the State Bank of Mysore, Coimbatore during the



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period from 22.10.2002 to 25.01.2003; and that during the said period, he was withdrawn a sum of Rs.12,47,925/- from the accounts of 28 customers by using Loose Slip Cheques and forging the signature of the customers.

3.Learned counsel for the petitioner would submit that though the petitioner was charged for various offences, he was convicted for offences under Sections 408, 467 and 471 of I.P.C.; that the evidence of PW1 would show that the prosecution had not produced any document to prove that loss was caused to the bank; that PW2 had admitted that the alleged money was recovered; that one of the victims had deposed that he had not suffered any loss; that the petitioner is suffering from spinal cord problem; and that he could not surrender pursuant to the judgement of the Courts below and prayed for granting suspension of sentence and exemption from surrender.

4. Per contra learned Government Advocate (Crl. Side) submitted that the judgment of the Courts below are based on evidence and no



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interference is called for in the revision and on instructions would submit that it is true that the petitioner is suffering from the ailments as stated by him.

5. Considering the submissions made by the learned counsel for the petitioner and finding force in the said submissions; the fact that the petitioner is suffering from spinal cord issues; that there are arguable points in the above revision, which requires consideration; and that the revision is likely to be taken up in the near future, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision :

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VII, Coimbatore;



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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; and

(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 above 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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

29.11.2024
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To

- 1.The III Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate No.VII,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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