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Crl.M.P.No.12965 of 2024 in Crl.R.C.No.1557 of 2024

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M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to suspend sentence of imprisonment imposed by the learned District and Sessions Judge, Tirupathur in Crl.A.No.22 of 2021 *vide* judgment, dated 30.07.2024 confirming the judgment of the learned Additional District Munsif cum Judicial Magistrate, Ambur in S.T.C.No.116 of 2017, dated 12.03.2021.

2.This Court by order, dated 23.09.2024 in Crl.R.C.No.1557 of 2024 passed the following order:

“The petitioner/accused in STC No. 116 of 2017 was convicted by the Trial Court by judgment dated 12.03.2021 for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 6 months simple imprisonment and to pay compensation of Rs. 3 lakhs, being the cheque amount, within two months from the date of judgment and in default to undergo 2 months simple imprisonment. Aggrieved against the said conviction and sentence, the petitioner preferred an appeal in C.A. No. 22 of 2021 before the District and Sessions Court, Tirupathur and by judgment dated 30.07.2024, the Sessions Court confirmed the



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conviction and sentence imposed by the Trial Court. Hence, the present revision.

2. The contention of the petitioner is that during the pendency of the appeal, the petitioner had deposited 20% of the cheque amount, i.e., Rs.60,000/-. Learned counsel further submitted that the petitioner is ready to deposit 30% of the cheque amount i.e., Rs.90,000/- within a period of two weeks.

3. In view of the above submission made by the learned counsel for the petitioner, the petitioner is directed to remit a sum of Rs.90,000/- to the credit of STC No. 116 of 2017 on the file of Judicial Magistrate, Ambur, Tirupathur within a period of two weeks, i.e., on or before 15.10.2024. Till such payment, no coercive action shall be taken.

4. List on 16.10.2024.”

3.In continuation and conjunction to the above order, this Court is passing the following order.

4.Pursuant to the order passed by this Court on 23.09.2024, today the learned counsel for the petitioner produced the photostat copy of demand draft No.162291, dated 22.10.2024 drawn in favour of the respondent/complainant for a sum of Rs.90,000/- (Rupees ninety thousand only). The scanned reproduction of the photostat copy of said demand draft



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is as follows:

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Indian Bank
(आवृत्ति शाखा / ISSUING BRANCH) AMBUR(127)

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पैसे का पैरा ON DEMAND PAY S MAN) या क्रेडिट अकाउंट पर ON CREDIT

रुपये NUMBERS NINETY THOUSAND ONLY

₹ 90,000

FOR VALUE RECEIVED

भुगतान करने वाली सभी शाखाओं में समान रूप पर पैरा।
Payable at par at all branches of Indian Bank

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AMBUR(127)

(आवृत्ति शाखा / Issuing Branch)

T20/MDDO

162291 0000190001

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5.Private notice served to the respondent, but no representation for the respondent. Affidavit of service filed.

6.In view of the above, the learned counsel for the petitioner is directed to convert the said demand draft in No.162291 in favour of the case and deposit to the credit of S.T.C.No.116 of 2017 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur. The learned Additional District Munsif cum Judicial Magistrate, Ambur to entertain and receive the demand draft and keep it on file.



7.It is made clear that the respondent/complainant can withdraw the amount of Rs.60,000/- (Rupees sixty thousand only) already deposited and the amount of Rs.90,000/- (Rupees ninety thousand only) now deposited. The Trial Court shall permit the respondent/complainant to withdraw the total amount of Rs.1,50,000/- (Rupees one lakh fifty thousand only) without any notice to the petitioner/accused. The withdrawal of the amount is subject to the outcome of the criminal revision case.

8.In view of the above, this Court is inclined to grant suspension of sentence till the disposal of the present criminal revision case. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the revision and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a likesum to the satisfaction of the Trial Court.

9.Further, the petitioner shall appear before the Trial Court on the first working day of every English calender month at 10.30 a.m till the disposal of the present criminal revision case and if he is not able to appear before the



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trial Court on that day, he shall make arrangement 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. Accordingly, this Miscellaneous Petition is ordered.

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M.NIRMAL KUMAR, J.

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