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Crl.M.P.No.13023 of 2024 in Crl.R.C.No.1567 of 2024

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in Crl.R.C.No.1567 of 2024

M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to suspend sentence of imprisonment imposed by the learned District and Sessions Judge, Thirupathur (Lower Appellate Court) in Crl.A.No.59 of 2021, dated 23.07.2024 confirming the judgment of the learned Judicial Magistrate No.I, Thirupathur (Trial Court), dated 20.09.2021 in S.T.C.No.230 of 2017.

2.This Court by order, dated 24.09.2024 in Crl.R.C.No.1567 of 2023 passed the following order:

“The petitioner was convicted by the learned Judicial Magistrate No.I, Thirupathur (Trial Court) vide judgment, dated 20.09.2021 in S.T.C.No.230 of 2017 and sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.2,00,000/- as compensation to the respondent, in default to undergo three months Simple Imprisonment for offence under Section 138 of the Negotiable Instruments Act, 1881. Challenging the same, the petitioner preferred an appeal before the learned District and Sessions Judge, Thirupathur (Lower Appellate Court) in Crl.A.No.59 of 2021 and the same was dismissed vide judgment, dated 23.07.2024 confirming the



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judgment of the Trial Court. Aggrieved over the same, the present criminal revision case is filed.

2.The learned counsel for the petitioner submits that during the pendency of the appeal, the petitioner paid Rs.50,000/- to the respondent and he is ready to pay another Rs.50,000/- to the respondent to show his bonafide.

3.Notice to the respondent returnable on 04.10.2024. Private notice is also permitted. The petitioner is directed to deposit Rs.50,000/- (Rupees fifty thousand only) to the credit of S.T.C.No.230 of 2017 on the file of the Judicial Magistrate No.I, Thirupathur on or before 03.10.2024.

4.Post the matter on 04.10.2024. Till such time, no coercive action to be taken against the petitioner in pursuant to the conviction in S.T.C.No.230 of 2017, dated 20.09.2021.”

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 24.09.2024, today the



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learned counsel for the petitioner produced the photostat copy of the receipt, dated 27.09.2024 in No.0011882 for payment of Rs.50,000/- (Rupees fifty thousand only). The scanned reproduction of the photostat copy of said demand draft is as follows:

Cd. CO. Amrit - D-2815

Honble High Court of Judicature at
Madras in C.R.C. No. 1567/20
Dt. 24-9-2024.
Cd Msp. B1-A GBP-Mdu-111

FOIL

No. **0011882** (Form of receipt to be granted by the Court)

Judicial Magistrate No: 1
IN THE COURT OF THE **Tirupattur.**

27-09-2024
Received this Day of 20
Vinoth Kumar S/o Jaganmuni
from A/c. S/o. Counsel of
M. Manojam Advocate
son of the thousands
sum of Rs. 50000/- being
As per order of the Honble High Court
of Judicature at Madras C.R.C. 1567/20
Dt. 24-9-2024.
the whole/part of the
C.R.C. 1567/20
24-9-2024
O.A. 59/2024
STC 230/17.
50000/-

A. K. N. 24094
Magistrate/Judge
Judicial Magistrate No: 1
Tirupattur.



5.The learned counsel for the petitioner submitted that now 50% of the cheque amount deposited by the petitioner and seeks two months time for paying balance cheque amount of Rs.1,00,000/-.

6.Considering the request made by the learned counsel for the petitioner, this Court directs the petitioner to pay Rs.50,000/- (Rupees fifty thousand only) on or before 19.11.2024 and the balance amount of Rs.50,000/- (Rupees fifty thousand only) on or before 16.12.2024 to the credit of S.T.C.No.230 of 2017 on the file of the Judicial Magistrate No.I, Thirupathur.

7.Despite service of notice to the respondent, no representation for the respondent. Registry is directed to print the name of the respondent in the cause list.

8.In the event of the respondent appearing before the Trial Court, the respondent can file a petition seeking return of already deposited amount of Rs.1,00,000/- and further amount to be deposited by the petitioner. The Trial Court shall permit the respondent to withdraw the amount without any notice to the petitioner/accused.



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9. 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.

10. Further, the petitioner shall appear before the Trial Court on the first working day of every English calendar 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 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.

M.NIRMAL KUMAR, J.



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11.List the matter on 17.12.2024 under the caption 'For reporting compliance'.

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24.10.2024
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