



**Crl.M.P.Nos.16852 & 16854 of 2024**  
**in Crl.R.C.No.2124 of 2024**

**SUNDER MOHAN, J.**

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 20.06.2022 passed in STC No.608 of 2020 by the learned Judicial Magistrate, Kumarapalayam and confirmed by the judgment dated 29.02.2024 in C.A.No.58 of 2022 by the learned II Additional Sessions Judge, Tiruchengode and enlarge the petitioner on bail and to exempt her from surrendering before the trial Court, pending disposal of the above revision.

2. It is the case of the respondent/complainant that towards discharge of her liability, the petitioner had issued two cheques, each for Rs.2,50,000/- totalling to Rs.5,00,000/- and when the said cheques were presented for collection, the same were returned for the reason 'Funds Insufficient' and inspite of the statutory notice, the petitioner did not pay the cheque amount.

3. The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to



undergo simple imprisonment for six months. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4. The learned counsel for the petitioner would submit that the respondent sought to establish consideration by relying upon a pronote which was marked as Ex.P1; that the witnesses to the said pronote have admitted that there are alterations in the pronote and the petitioner had probalised her defence that the cheques were issued to a third party and the same were misused by the respondent in collusion with the said person and submitted that in order to show her bonafides, the petitioner/accused would deposit 50% of the cheque amount within a period of four weeks from the date of receipt of a copy of this order.

5. Heard the learned counsel for the respondent.

6. Considering the submissions made by the learned counsel for the petitioner and the fact that the revision has been admitted and the petitioner has raised arguable points in the revision, which requires consideration, this Court is inclined to suspend the sentence imposed on the petitioner/accused and exempt her from surrendering before the trial



Court on certain conditions.

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7. Accordingly, these Criminal Miscellaneous Petition are allowed and the sentence imposed upon the petitioner/accused by the trial Court, is suspended and the petitioner is exempted from surrendering before the trial Court on the following conditions:

(i) The petitioners shall deposit 50% of the cheque amount i.e., Rs.2,50,000/- [Rupees Two Lakhs and Fifty Thousand Only), to the credit of STC No.608 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam, 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 her 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, Kumarapalayam;

(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



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in Crl.R.C.No.2124 of 2024*



or Bank pass Book and mobile numbers to ensure their identity;

(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 she is not able to appear before the trial Court on any day, she 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 her 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.

03.12.2024

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To

1. The II Additional Sessions Judge,  
Tiruchengode.

2. The Judicial Magistrate,  
Kumarapalayam.

3. The Public Prosecutor,  
High Court, Madras.



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