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CrI.M.P.No.16117 of 2024
in CrI.R.C.No.1977 of 2024

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in CrI.A.No.342 of 2022 dated 12.07.2023 by the learned I Additional Sessions Judge, City Civil Court, Chennai confirming the judgment dated 31.10.2022 in C.C.No.2156 of 2018 passed by the learned Metropolitan Magistrate FTC IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued three cheques for a total sum of Rs.2,40,000/-; that when the cheques were presented for collection, it was returned for the reason “Insufficient Funds” and that in spite of statutory notice issued by the respondent, the petitioner failed to make the payment.



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3.The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo three months simple imprisonment and to pay a sum of Rs.2,15,000/- as compensation to the respondent within two months, under Section 357(3) of Cr.P.C. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner would submit that during the pendency of the case, a sum of Rs.25,000/- was paid by the petitioner; that the petitioner is not due to pay the cheque amount and that there are several arguable points in the above revision which requires consideration and he is willing to deposit a sum of Rs.1,00,000/- within a period of four weeks to show his bonafide.

5.Considering the above submissions made by the learned counsel for the petitioner and in view of the fact that the petitioner is willing to deposit a sum of Rs.1,00,000/-, this Court is inclined to suspend the sentence on the



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following conditions till the disposal of the criminal revision case.

(i) The petitioner/accused is directed to deposit a sum of Rs.1,00,000/- [Rupees One Lakh only] to the credit of C.C.No.2156 of 2018 before the Trial Court, 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 Metropolitan Magistrate FTC IV, George Town, Chennai;

(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;



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(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.In the result, the criminal miscellaneous petition is ordered.

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