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Crl.M.P.No.13573 of 2024 in Crl.R.C.No.1638 of 2024

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in Crl.R.C.No.1638 of 2024

M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to suspend sentence of imprisonment imposed by the learned IV Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.385 of 2023 *vide* judgment, dated 27.06.2024 confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai in C.C.No.5085 of 2021, dated 08.06.2023.

2.This Court by order, dated 30.09.2024 in Crl.R.C.No.1638 of 2024 passed the following order:

*“The petitioner/accused in C.C.No.5085 of 2021 was convicted by the trial Court by judgment dated 08.06.2023 for offence under Section 138 of the Negotiable Instruments Act. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.385 of 2023 before the learned IV Additional Sessions Judge, City Civil Court, Chennai. The learned Sessions Judge, by judgment dated 27.06.2024, dismissed the appeal confirming the conviction and sentence of the trial Court.*



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*2.The contention of the petitioner is that the trial Court convicted the petitioner and sentenced him to undergo 8 months simple imprisonment and directed to pay the cheque amount of Rs.6,45,000/- as compensation. During the pendency of the appeal, the petitioner deposited 20% of the cheque amount, i.e., Rs.1,29,000/- before the trial Court. He has produced the receipt dated 05.09.2023 confirming the same. Now the petitioner is ready to pay 30% of the cheque amount, i.e., Rs.1,93,500/- within a period of three weeks.*

*3.Accordingly, the petitioner is directed to deposit 30% of the cheque amount, i.e., Rs.1,93,500/- (Rupees One lakh Ninety Three thousand Five hundred only) to the credit of C.C.No.5085 of 2021 on the file of Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, on or before 23.10.2024.*

*4.Notice to the respondent returnable by 24.10.2024. Private notice is also permitted.*

*5.Post the matter on 24.10.2024 'For Reporting Compliance'. Till such time, no coercive action to be taken against the petitioner.”*

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



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4.It is seen that as per the order of this Court, dated 30.09.2024, the petitioner deposited 30% of the cheque amount i.e., Rs.1,93,500/- (Rupees one lakh ninety three thousand and five hundred only) to the credit of C.C.No.5085 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai. The scanned reproduction of the receipt of payment is as follow:

FTC-V

No. **02483** M.M.32-2, 121 Bks- 2020

IN THE METROPOLITAN MAGISTRATE'S COURT **EGMORE**  
**GEORGE TOWN, CHENNAI**  
**SAIDAPET** ✓ Date: **22/10/2024**

RECEIVED from **Perasekaran (Accused)**

the sum of Rupees **one lakh ninety three thousand five hundred only.**

in account of **Maintenance** **Crl.R.C.No 1638/24 in Crl.M.P.No. 19722/24**

**Batta** **C.C.No 5085/21**

**Miscellaneous** **22/10/24**

**1,93,500/-**

ASST. CASHIER **G. Shanthy**  
CASHIER **Shanthy**

5.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



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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.

6.Further, the petitioner shall appear before the trial Court on the first working day of once in three months 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.

24.10.2024  
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M.NIRMAL KUMAR, J.

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24.10.2024  
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