



WEB COPY



*Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024*

Crl.M.P.Nos.13522 & 13524 of 2024
in Crl.R.C.No.1631 of 2024

M. NIRMAL KUMAR.J.,

Crl.M.P.No.13522 of 2024 has been filed to suspend the sentence and enlarge the petitioner on bail in C.A.No.235 of 2023 dated 12.08.2024 by the learned IV Additional District and Sessions Judge, at Coimbatore, in C.C.No.201 of 2013 dated 11.07.2023 made by the learned Judicial Magistrate No.II, Coimbatore.

2.Crl.M.P.No.13524 of 2024 has been filed to exempt the petitioner from surrendering before the learned Judicial Magistrate No.II, Coimbatore, in C.C.No.201 of 2013.

3.The petitioner was convicted by the trial Court in C.C.No.201 of 2013 by judgment dated 11.07.2023 for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.9,00,000/- as compensation to the respondent/complainant, in default, to undergo one month simple imprisonment. Aggrieved against the conviction, the petitioner preferred an appeal in C.A.No.253 of 2023 before the learned Additional



*Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024*

District and Sessions Judge, Coimbatore. The learned Sessions Judge, by judgment dated 12.08.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he preferred a revision before this Court in Crl.R.C.No.1631 of 2024 along with miscellaneous petition seeking suspension of sentence and bail.

4.This Court, on 04.10.2024, had passed the following order:-

The 1st petitioner was convicted by the learned Judicial Magistrate No.II, Coimbatore (Trial Court) vide judgment, dated 11.07.2023 in C.C.No.201 of 2013 and sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.9,00,000/- as compensation to the respondent, in default to undergo one month Simple Imprisonment for offence under Section 138 of the Negotiable Instruments Act, 1881. Challenging the same, the petitioner preferred an appeal before the learned IV Additional District & Sessions Judge, Coimbatore (Lower Appellate Court) in Crl.A.No.235 of 2023 and the same was dismissed vide judgment, dated 12.08.2024 confirming the 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 the 1st petitioner, the Proprietor of 2nd petitioner Company borrowed an amount of Rs.9,00,000/- from the respondent,



Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024

WEB COPY

in discharge of the liability, five cheques issued to the respondent which got dishonoured for the reason “Funds Insufficient”. After following the statutory procedures, the complaint filed before the Trial Court. He further submits that at the time of filing appeal, the petitioner deposited 20% of the cheque amount of Rs.1,80,000/- and he has got a good case and ready to argue the main revision.

3.Notice to the respondent returnable on 25.10.2024. Private notice is also permitted. The petitioner is directed to deposit 30% of the cheque amount i.e., Rs.2,70,000/- (Rupees two lakh seventy thousand only) to the credit of C.C.No.201 of 2013 on the file of the Judicial Magistrate No.II, Coimbatore on or before 24.10.2024.

4.Post the matter on 25.10.2024. Till such time, no coercive action to be taken against the petitioner in pursuant to the conviction in C.C.No.201 of 2013, dated 11.07.2023.

5.In continuation and conjunction to the earlier order passed by this Court on 04.10.2024, today the learned counsel for the petitioner produced the copy of deposit receipt dated 17.10.2024 for a sum of Rs.2,70,000/-. Since, the offence being a bailable offence and it is merely on technicality of dishonour of cheque, this Court is inclined to suspend the sentence imposed on the petitioner.



*Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024*

6. Accordingly, the reliefs of exemption from surrender, suspension of sentence and bail are granted to the petitioner with the following conditions:-

i) the appellant is ordered to be enlarged on bail, on condition that the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

ii) Further, the appellant shall appear before the Trial Court once in three months on the first working day of English Calendar month at 10.30 a.m. until the disposal of the above Criminal Revision and if he is not able to appear before the Trial Court on that day, he shall make necessary arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in the same month, in lieu of the date of his absence as directed by the Trial Court.

7. Accordingly, the Criminal Miscellaneous Petitions are ordered.

25.10.2024

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral citation : Yes/No
ep



WEB COPY



*Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024*

To

- 1.The Judicial Magistrate No.II,
Coimbatore.
- 2.IV Additional District & Session Judge,
Coimbatore.



WEB COPY



*Crl.M.P.Nos.13524 & 13522 of 2024
in Crl.R.C.No.1631 of 2024*

M. NIRMAL KUMAR, J.

ep

Crl.M.P.Nos.13522 & 13524 of 2024
in Crl.R.C.No.1631 of 2024

25.10.2024
(2/2)