



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7891 of 2024
in Crl.RC.No.864 of 2024

Tamilarasi

...Petitioner

Vs.

Mohankumar

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code praying to suspend the sentence in C.A.No.421 of 2018 dated 31.10.2022 on the file of the V Additional District and Sessions Court, Coimbatore confirming the judgment passed by the Judicial Magistrate-II, Pollachi in STC. No.471/2015 dated 27.08.2018 to undergo one year of SI and to pay compensation sum of Rs.1,50,000/- to the complainant for the offence under Section 138 of NI Act pending disposal of the above revision case.

For Petitioner : Mr.P.Kalimuthu

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence in C.A.No.421 of 2018 dated 31.10.2022 on the file of the V Additional District and Sessions Court, Coimbatore confirming the judgment passed by the Judicial Magistrate-II, Pollachi in STC.



No.471/2015 dated 27.08.2018 to undergo one year of SI and to pay compensation sum of Rs.1,50,000/- to the complainant for the offence under Section 138 of NI Act.

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one month simple imprisonment and to pay a fine of Rs.1,50,000/- as compensation, in default, to undergo SI for three months. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the petitioner submit that there are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay 50% of the cheque amount in the credit of the case before the lower Court.



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4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of the fine amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 31.10.2022 made in C.A.No.421 of 2018 on the file of the learned V Additional District and Sessions Judge, Coimbatore is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit 50% of the cheque amount in STC.No.471/2015 on the file of the learned Judicial Magistrate-II, Pollachi within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail 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



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learned Judicial Magistrate-II, Pollachi, This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Judicial Magistrate-II, Pollachi, on the first working day of the every English Calendar Month at 10.30 am, until further orders; and

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner."

6. This petition is ordered accordingly.



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21.06.2024
(2/2)

Note: Issue order copy on 19.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Judicial Magistrate-II, Pollachi.
2. The V Additional District and Sessions Judge, Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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