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*Crl.M.P.Nos.15262 & 15263 of 2024
in Crl.R.C.No.1862 of 2024*

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.34 of 2019 dated 20.10.2021 by the learned Judicial Magistrate, Fast Track Court, Mayiladuthurai and confirmed by the learned District and Sessions Judge, Mayiladuthurai in Crl.A.No.22 of 2021 on 24.07.2024 and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2. The case of the prosecution is that the petitioner had borrowed a sum of Rs.5,00,000/- and, towards discharge of the said debt, issued a cheque and when the said cheque was presented for collection, it was returned with endorsement “Drawers Signature Differs,” and in spite of statutory notice, the petitioner did not make the payment.



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3. The learned counsel for the petitioner would submit that, taking advantage of some past transactions, the respondent had utilized the cheque that was given in the year 2013; that the petitioner is not due to pay any money to the respondent and pointed out to the deposition of the complaint in the cross-examination; and that he is willing to deposit Rs.2,00,000/- to show his *bonafides* and prayed for granting suspension of sentence to the petitioner.

4. Heard the learned counsel for the petitioner and perused the records.

5. Considering the above, this court finds force in the submission made by the learned counsel for the petitioner and since there are arguable points in the revision, this Court is inclined to admit the revision and grant suspension of sentence and exempt the petitioner from surrendering before the trial court on the following conditions till the disposal of the above Criminal Revision :

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of C.C.No.34 of 2019 dated 20.10.2021 on the file of the Judicial



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Magistrate, Fast Track Court, Mayiladuthurai, 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 for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial court.

(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;

(v) The petitioner shall appear before the Trial Court on the first working day of a 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 that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial



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Court on any other day in lieu of the date of his absence as directed by the Trial Court.

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

04.11.2024
(2/2)

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To

- 1.The Judicial Magistrate,
Fast Track Court,
Mayiladuthurai.
- 2.The District and Sessions Judge,
Mayiladuthurai.
- 3.The Public Prosecutor,
High Court, Madras.



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