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*Crl.M.P.Nos.15258 and 15259 of 2024
in Crl.R.C.No.1861 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.80 of 2019 dated 24.11.2023 by the learned Judicial Magistrate, Fast Track Court, Dharmapuri and confirmed by the learned Principal Sessions Judge, Dharmapuri, in Crl.A.No.47 of 2023 on 25.09.2024 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.20,80,000/- and, towards discharge of the said debt, issued a cheque and when the said cheque was presented for collection, it was returned with the endorsement “funds insufficient,” 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 the complainant/respondent had admitted in the cross examination that he had no personal acquaintance with the petitioner; and that he had not filed the Income Tax returns or filed any other document to prove his source of income to lend a sum of Rs.20,80,000/- to the petitioner and prayed for granting suspension of sentence to the petitioner.

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

5. The cross examination of P.W.1 confirms the above said fact. It is also seen that the petitioner has already deposited Rs.4,16,000/- (Rupees Four Lakhs Sixteen Thousand only) before the trial Court.

6. 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/accused shall execute a



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bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial court.

(ii) 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;

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

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

04.11.2024
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To

1.The Judicial Magistrate,
Fast Track Court,



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2. The Principal Sessions Judge,
Dharmapuri.

3. The Public Prosecutor,
High Court, Madras.



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