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*Crl.M.P.No.16776 of 2024
in Crl.R.C.No.2102 of 2024*

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed in Judgment dated 25.09.2024 in Crl.A.No.18 of 2024 by the Learned I Additional District and Sessions Judge, Namakkal, by confirming the judgement dated 19.09.2023 passed in S.T.C.No.1360 of 2021 on the file of the Learned Judicial Magistrate No.1, Namakkal and enlarge the Petitioner on Bail, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner borrowed a sum of Rs.6,00,000/- from the respondent as hand-loan and towards discharge of his liability, the petitioner issued a cheque for the said sum and when the said cheque was presented for collection, it was returned as “drawer signature differs” and inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for petitioner would submit that the petitioner and the respondent had no business transactions and that the cheque which



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was issued to a third party has been misused in collusion with the said person by the respondent; and that there are several arguable points in the revision which requires consideration. The learned counsel further submitted that the petitioner, to show his bonafides is willing to deposit 25% of the cheque amount.

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

5. Taking into consideration the submissions made by the learned counsel for the petitioner that there are several arguable points in the above revision and considering the submission that the petitioner is willing to deposit 25% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to the following conditions, till the disposal of the above Criminal Revision :

(i) The petitioner/accused is directed to deposit 25% of the cheque amount i.e.,Rs.1,50,000/- [Rupees One Lakh Fifty Thousand only], within a period of four weeks from the date of receipt of a copy of this order;



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(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 a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Namakkal ;

(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 every 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 any 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; and



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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.11.2024
(2/2)

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To

1.The I Additional District & Sessions Judge,
Namakkal.

2.The Judicial Magistrate No.1,
Namakkal.

3.The Public Prosecutor,
High Court, Madras.



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