



Crl.M.P.Nos.15578 & 15579 of 2024 in Crl.R.C.No.1903 of 2024

Crl.M.P.Nos.15578 & 15579 of 2024
in Crl.R.C.No.1903 of 2024

WEB COPY

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.03 of 2022 dated 10.09.2024 by the learned District and Sessions Judge, Tirupattur, Tirupattur District confirming the judgment dated 22.12.2021 in S.T.C.No.84 of 2018 passed by the learned Judicial Magistrate, Vaniyambadi 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.It is the case of the respondent/complainant that the petitioner borrowed a sum of Rs.3,00,000/- during the first week of August 2017 and towards discharge of the said loan, the petitioner had issued a cheque for Rs.3,00,000/-; that when the cheque was presented for collection, the same was dishonoured for the reason “Account Closed” and that in spite of statutory notice issued by the respondent, the petitioners failed to make the payment.



WEB COPY

3.The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months simple imprisonment with fine of cheque amount, which the complainant is entitled to get as compensation under Section 357(3) of Cr.P.C. and in default to undergo 1½ months simple imprisonment. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner would submit that the petitioner has no connection with the respondent; that the cheque issued to his friend Murali has been misused by the respondent; that the respondent had monetary transaction with the said Murali and a suit has also been filed by the respondent against the said Murali in O.S.No.29 of 2013 and all these facts has not been considered by both the Courts below. The learned counsel would further submit that the petitioner is ready to deposit 50% of the cheque amount within a period of four weeks to show his bonafide.



5.Considering the above submissions made by the learned counsel for

the petitioner that the cheque was misused by the respondent which requires consideration in the above revision and in view of the offer to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence and exempt the petitioner from surrender before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i) The petitioner/accused is directed to deposit 50% 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;

(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 Judicial Magistrate, Vaniyambadi;

(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

(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.



Crl.M.P.Nos.15578 & 15579 of 2024 in Crl.R.C.No.1903 of 2024

WEB COPY 6.In the result, the criminal miscellaneous petitions are ordered.

18.11.2024
(2/2)

cse



WEB COPY



CrI.M.P.Nos.15578 & 15579 of 2024 in CrI.R.C.No.1903 of 2024

SUNDER MOHAN, J.

cse

CrI.M.P.Nos.15578 & 15579 of 2024
in CrI.R.C.No.1903 of 2024

18.11.2024
(2/2)