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*Crl.M.P.Nos.16619 & 16622 of 2024
in Crl.R.C.No.2074 of 2024*

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner / accused in S.T.C.No.722 of 2017 by the learned Judicial Magistrate, Fast Track No.II, Erode and confirmed by the learned Principal Sessions Judge, Erode in C.A.NO.55 of 2020 dated 17.10.2024 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 respondent is that towards discharge of liability, the petitioner had issued a cheque for Rs.3,50,000/- and that when the said cheque was presented for collection, it was returned with endorsement "payment stopped by drawer" and inspite of statutory notice, the petitioner did not make any payment.

2. The learned counsel for the petitioner would submit that the petitioner had established before the Trial Court that the respondent is not known to her and a cheque issued for some other purpose has been misused



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by him and that to show her bonafide, she would deposit 40% of the cheque amount and prayed for granting suspension of sentence.

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

5. Considering the fact that the petitioner has raised substantial grounds in the revision which requires consideration; and that she is willing to deposit 40% of the cheque amount, 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 40% of the cheque amount, i.e.Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) to the credit of S.T.C.No.722 of 2017 on the file of the Judicial Magistrate, Fast Track No.II, Erode, 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



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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 her executing a bond 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 she is not able to appear before the Trial Court on that day, she 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 her 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



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Court to commit the petitioner/accused into custody for
undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27.11.2024
(2/2)

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To

1.The Judicial Magistrate,
Fast Track No.II,
Erode

2.The Principal Sessions Judge,
Erode.

3.The Public Prosecutor,
High Court, Madras.



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