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*Crl.M.P.Nos.16540 & 16541 of 2024
in Crl.R.C.No.2059 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 CC.No.5728 of 2017 by the learned XIX Metropolitan Magistrate Fast, Egmore @ Allikulam, Chennai and confirmed by the learned XXI Additional City Civil Court, Allikulam, Chennai in C.A.NO.464 of 2023 dated 04.11.2024 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. It is the case of the respondent that the petitioner purchased scrap material from the respondent and towards the invoice raised by him, the petitioner had issued two cheques totalling Rs.10,70,000/-; that when the said cheques were presented for collection, it was returned with endorsement “insufficient funds” and that inspite of statutory notice, the petitioner did not make the payment.



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3. The learned counsel for petitioner would submit that there was a running account and the accounts were not property reconciled; that the respondent had misused the cheques that was given as security; that there are several points in the revision which requires consideration. The learned counsel would further submit that the petitioner had already deposited 20% of the cheque amount, pending trial to the credit of C.C.No.5728 of 2017; that the petitioner is willing to deposit 30% of the cheque amount, in addition to the above, to show his bonafide and prayed for granting suspension of sentence to the petitioner.

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 and that there are arguable points in the above revision and the submission made by the petitioner that he is willing to deposit 30% of the cheque amount in addition to the amount already deposited, 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



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Revision :

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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 30% of the cheque amount, i.e. Rs.3,21,000/- (Rupees Three Lakhs Twenty One Thousand only) to the credit of C.C.No.5728 of 2017 on the file of the XIX Metropolitan Magistrate Fast, Egmore, Allikulam Chennai 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 trial court.

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety



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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 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.

25.11.2024
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To

1.The XXI Additional Judge,
City Civil Court,
Allikulam, Chennai

2.The XIX Metropolitan Magistrate Fast,
Egmore @ Allikulam
Chennai

3.The Public Prosecutor,
High Court, Madras.



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