



WEB COPY



*Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024*

Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioners / accused in C.A.No.354 of 2022 dated 13.09.2024 by the learned XX Additional Sessions Judge, Chennai confirming the judgment dated 16.11.2022 in C.C.No.3216 of 2015 passed by the learned Metropolitan Magistrate, Fast Track Court – I, Egmore at Allikulam, Chennai and enlarge the petitioners on bail pending disposal of the above revision and to exempt the petitioners from surrendering before the trial court, pending disposal of the above revision.

2. The case of the respondent is that towards discharge of the liability, the petitioners had issued two cheques totalling to Rs.13 lakhs and that when the said cheques were presented for collection, they were returned for the reason "account closed" and inspite of statutory notice, the petitioners did not make payment.



*Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024*

WEB COPY

3. The learned counsel for the petitioners would submit that pending appeal, the petitioners had deposited a sum of Rs.5,20,000/- to the credit of C.C.3216 of 2015 before the trial Court and that they are willing to deposit the balance cheque amount and has also produced a Demand Draft for a sum of Rs.7,80,000/- drawn on HDFC Bank in favour of the respondent.

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

5. Considering the submission of the learned counsel for the petitioner that the petitioner is willing to pay the balance of the cheque amount to the respondent, 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 Revision :

(i) The petitioner shall deposit the Demand Draft in favour of the respondent for a sum of Rs.7,80,000/- before the trial court by filing a memo ;

(ii) Thereafter, the sentence of imprisonment alone,



*Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024*

imposed on the petitioner/accused shall be suspended, on their executing a bond a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of the trial court.

(iii) The petitioners 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;

(iv) The petitioners 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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.

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

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27.11.2024
(2/2)

rgr



WEB COPY



*Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024*

SUNDER MOHAN, J.

rgr

To

1.The XX Additional Sessions Judge,
Chennai

2.The Metropolitan Magistrate,
Fast Track Court – I,
Egmore at Allikulam,
Chennai

3.The Public Prosecutor,
High Court, Madras.

Crl.M.P.Nos.16616 & 16617 of 2024
in Crl.R.C.No.2073 of 2024

27.11.2024
(2/2)