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*Crl.M.P.No.16536 of 2024
in Crl.R.C.No.2060 of 2024*

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed by the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai in C.C.No.6513 of 2013 dated 31.07.2023 and confirmed by the learned XIX Additional City Civil Court, Chennai in Crl.A.No.486 of 2023 dated 12.11.2024 and to enlarge the petitioner on bail, pending disposal of the revision.

2. It is the case of the respondent that the petitioner and the respondent had entered into a Distribution Agreement of Tamil film “Arjunan Kadhali” dated 12.03.2010; that the petitioner had also executed a loan agreement dated 15.03.2010 for Rs.50,00,000/-; that towards discharge of the said loan, he had issued a cheque for Rs.84,55,000/-; that when the said cheque was presented for collection, it was returned as "insufficient funds" and inspite of statutory notice, the petitioner did not make payment.



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3. The learned counsel for the petitioner submitted that the cheque which is the subject matter of the complaint was issued only for security purpose and that the petitioner is not liable to pay such a huge amount of Rs.84,55,000/- and therefore, there is no legally enforceable debt to the extent of cheque amount; that he had already deposited 20% of the cheque amount, pending appeal before the lower Appellate Court and that the respondent had also received the said amount; that to show his bonafide, the petitioner is ready to deposit 20% of the cheque amount, in addition to the amount already deposited.

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 arguable points in the revision and that the petitioner is ready to deposit 20% of the cheque amount, in addition to the amount already deposited, 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 :



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(i) The petitioner/accused is directed to deposit 20% of the cheque amount i.e.,Rs.16,91,000/- [Rupees Sixteen Lakhs Ninety One 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 learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai ;

(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



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trial Court on any 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; 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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

25.11.2024
(2/2)

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To

1.The XIX Additional Judge,
City Civil Court,
Chennai.

2.The Metropolitan Magistrate,
FTC-V, Saidapet,
Chennai

3.The Public Prosecutor,
High Court, Madras.



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