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Crl.MP No.17509 of 2024
in Crl.RC No.2240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP. 17509 of 2024
IN CRL RC. 2240 OF 2024

V.SANKAR

S/O.T.M.VENKATRAMAN, FLAT NO.4,
DOOR NO.4/29, 8TH STRET,
VIDUTHALAI NAGAR,
S.KOLATHUR, CHENNAI - 600 117.

...

APPELLANT

Vs

ILIYAS AHAMED
S/O.RAFI AHAMED,
79/A, RAJAPPA NAGAR WEST 2ND STREET,
RAIL NAGAR, ARIYA MANGALAM,
THIRUCHIRAPALLI,
CHENNAI -10.
NOW RESIDING AT 2/85-A,
ARUNACHALAM NAGAR, KARAPAKKA,
CHENNAI - 600 097.

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RESPONDENT

For Appellant : MR.T.R.RAVI



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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned FTC (Magisterial Level), Alandur made in C.C.No.129 of 2019 dated 26.08.2022 convicting him u/s.138 of NI Act, sentencing him to undergo 10 months S.I and directing to pay a sum of Rs.4,27,000/- within one month and in default to undergo further period of 2 months S.I. and confirmed by learned District and Sessions Judge, Kancheepuram at Chengalpattu in C.A.No.55 of 2022 dated 24.09.2024, pending revision.

2. The case of the respondent is that towards discharge of the liability, the petitioner has issued a cheque for Rs.3,50,000/- and when the said cheque was presented for collection, it was returned for the reason “funds insufficient” and inspite of statutory notice, the petitioner did not make any payment.



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3. The learned counsel for the petitioner would submit that the petitioner has several arguable points in the above revision which requires consideration and to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence.

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

5. Considering the submissions made by the learned counsel for the petitioner that there are several arguable points in the above revision which requires consideration and the fact that the petitioner is willing to deposit 50% of the cheque amount, 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 :

(i) The petitioner/accused is directed to deposit 50% of the cheque amount i.e.,Rs.1,75,000/- [Rupees One Lakh Seventy Five Thousand only], within a period of four weeks from the date of receipt of a copy of this order;



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(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 Fast Track Court (Magisterial Level), Alandur ;

(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



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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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

10.12.2024
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SUNDER MOHAN, J.

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To

1.The Addl. District and Sessions Judge,
Kancheepuram at Chengalpattu.

2.The Judicial Magistrate,
Fast Track Court (Magisterial Level)
Alandur, Chennai

3.The Public Prosecutor,
High Court, Madras.

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