



Crl.M.P.Nos.17244 & 17249 of 2024 in Crl.R.C.No.2193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.17244 & 17249 of 2024
in Crl.R.C.No.2193 of 2024

Jayasanker

... Petitioner
in both Crl.MPs

Vs.

K.Bhavani

... Respondent
in both Crl.MPs

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Sections 430 of BNSS, 2023, to suspend the sentence imposed on the petitioner in Crl.A.No.250 of 2023 dated 23.07.2024 by the XVIII Additional City Civil Court, Chennai confirming the judgment passed in S.T.C.No.1167 of 2021 by the learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai dated 05.04.2023 and enlarge the petitioner on bail till the disposal of the revision petition and to exempt the petitioner from surrendering before the Trial Court.

For Petitioner : Mr.K.S.Abishek



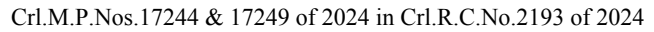
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ORDER

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These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.250 of 2023 dated 23.07.2023 by the learned XVIII Additional Judge, City Civil Court, Chennai confirming the judgment dated 05.04.2023 in S.T.C.No.1167 of 2021 passed by the learned J Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai 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/complainant that towards discharge of his liability which is revealed from a MOU entered into between the petitioner and the respondent on 11.06.2020, the petitioner issued three cheques for the total sum of Rs.15,68,000/-; that when the cheques were presented for collection, it was returned with an endorsement “Funds Insufficient” and that in spite of statutory notice issued by the respondent, the petitioners failed to make the payment.



3.The petitioner was convicted by the trial Court for the offence under

4.The learned counsel for the petitioner would submit that the

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the petitioner that there are several arguable points in the above revision which requires consideration and in view of the offer to deposit a sum of Rs.6,00,000/-, this Court is inclined to suspend the sentence and exempt the petitioner from surrender before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i) The petitioner/accused is directed to deposit a sum of Rs.6,00,000/- [Rupees Six Lakhs 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 Metropolitan Magistrate, Fast Track Court-I, Allikulam, 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;

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(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 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.In the result, the criminal miscellaneous petitions are ordered.

12.12.2024
(½)

cse

SUNDER MOHAN, J.

cse



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

2.The Metropolitan Magistrate,
Fast Track Court-I,
Allikulam, Chennai.

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