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Crl.MP No.17522 of 2024
in Crl.RC No.2244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

**CRL MP. 17522 of 2024
IN CRL RC. 2244 OF 2024**

SUMATHI
S/O.RAJENDRAN,
DOOR NO.6/669, MELA THOTTAM,
KARAIKURICHI PUDUR POST,
THATHIYANGAR PATTI.
NAMAKKAL DISTRICT.

... APPELLANT

Vs

KULANDAIVELU
S/O.KALIYANNA GOUNDER,
DOOR NO.2/70-1, KARUNGAL PUDUR,
PAPPINAICKENPATTI (PO),
NAMAKKAL (DT).

...RESPONDENT

For Appellant(s): MR.M.JAIKUMAR

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed against the petitioner by the learned I Additional District and Sessions Judge, Namakkal in C.A.No.42 of 2024 on 27.09.2024 confirming the Judgement of conviction and sentence passed by



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the learned Judicial Magistrate Court No.I, Namakkal in STC.No.653 of 2022 dated 07.08.2023.

2. The case of the respondent is that towards discharge of the liability, the petitioner has issued a cheque for Rs.7,00,000/- and when the said cheque was presented for collection, it was returned for the reason “Account Dormant” and inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for the petitioner would submit that there are substantial grounds in the above revision; that the respondent had misused the blank cheque which would reveal from the fact that the contents of the cheque and the signature are in different inks; that the respondent had not established the source of income to lend such huge sum of Rs.7,00,000/- to the petitioner; that the case of the respondent is improbable and to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence.



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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 substantial grounds 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.3,50,000/- [Rupees Three Lakhs Fifty 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



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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 Judicial Magistrate Court No.I, Namakkal;

(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 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 I Addl. District and Sessions Judge,
Namakkal.

2.Judicial Magistrate Court No.I,
Namakkal.

3.The Public Prosecutor,
High Court, Madras.

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