



Crl.M.P.Nos.17188 & 17199 of 2024

Crl.M.P.Nos.17188 & 17199 of 2024
in Crl.R.C.No.2185 of 2024

WEB COPY

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.176 of 2023 dated 28.08.2024 by the learned Sessions Judge, Special Court for hearing of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Namakkal confirming the judgment dated 10.10.2023 in S.T.C.No.40 of 2020 passed by the learned Judicial Magistrate, Kumarapalayam 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 liability on account of purchase of yarns from the respondent, the petitioner had issued a cheque for a sum of Rs.2,80,000/-; that when the cheque was presented for collection, it was returned for the reason “Funds



Crl.M.P.Nos.17188 & 17199 of 2024

Insufficient” and that in spite of statutory notice issued by the respondent, the petitioner did not make any payment.

3.The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner would submit that the petitioner had continuous transaction with the respondent; that towards total liability of Rs.10,00,000/-, the petitioner had issued three cheques, out of which, one cheque for Rs.5,00,000/- was honoured and the petitioner had paid the cash towards the remaining the two cheques; that however the respondent had not taken into account the payment made towards the subject cheque and had filed the complaint; and that the petitioner to show his bonafides is willing to deposit Rs.1,00,000/- to the credit of S.T.C.No.40 of 2020.

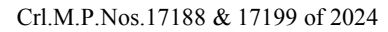


5.Considering the fact that the petitioner has raised substantial grounds which requires consideration in the above revision and is willing to deposit Rs.1,00,000/-, this Court is inclined to suspend the sentence and exempt the petitioner from surrender before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i) The petitioner/accused is directed to deposit Rs.1,00,000/- [Rupees one lakh 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 Judicial Magistrate, Kumarapalayam;



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

05.12.2024
(2/2)

vv2



WEB COPY



Crl.M.P.Nos.17188 & 17199 of 2024

SUNDER MOHAN, J.

vv2

Crl.M.P.Nos.17188 & 17199 of 2024
in Crl.R.C.No.2185 of 2024

05.12.2024