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*Crl.M.P.Nos.3243 of 2024
in Crl.R.C.No.353 of 2024*

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the revision petitioner/accused in S.T.C.No.200 of 2015 dated 11.04.2024 by the learned Judicial Magistrate, Fast Track Court – II, Erode and confirmed by the learned Principal Sessions Judge, Erode in C.A.No.137 of 2019 on 31.08.2023 and enlarge the petitioner on bail, pending disposal of the above revision.

2. The case of the respondent is that the petitioner had purchased yarns and towards the sale price, he had issued three cheques for a total sum of Rs.5,32,800/- and that when the cheques were presented for collection, it was returned for the reason “account blocked” and that inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for petitioner would submit that the cheques were issued for security purpose and that the respondent had not established that the petitioner is due and liable to pay Rs.5,32,800/- and that in order to



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show his bonafide, the petitioner is willing to deposit 50% of the cheque amount to the credit of S.T.C. 200 of 2015.

4. Heard the learned counsel for the petitioner as well as respondent and perused the records.

5. Considering the submissions made by the learned counsel for the petitioner that there are arguable points in the above revision, 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.2,66,400/- [Rupees Two Lakhs Sixty Six Thousand Four Hundred 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;



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(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 Judicial Magistrate, Fast Track Court – II, Erode;

(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.

19.11.2024
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SUNDER MOHAN, J.

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To

1.The Principal Sessions Judge,
Erode.

2.The Judicial Magistrate
Fast Track Court No.II,
Erode.

3.The Public Prosecutor,
High Court, Madras.

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**19.11.2024
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