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IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 01.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.475 of 2024  
in Crl.RC.No.65 of 2024

Sampath

...Petitioner

Vs.

Lalitha

...Respondent

Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code praying to suspend the sentence of three months SI under Section 138 of NI Act imposed on the accused in STC. No.932 of 2018 dated 23.12.2022 on the file of the learned Judicial Magistrate, Thiruvarur which was confirmed in Crl.A.No.4 of 2023 dated 30.11.2023 on the file of the District Judge, Tiruvarur.

For Petitioner : Mr.J.Nandagopal

For Respondent : No appearance

**ORDER**

This Criminal Miscellaneous petition has been filed to suspend the sentence of three months SI under Section 138 of NI Act imposed on the accused in STC. No.932 of 2018 dated 23.12.2022 on the file of the learned Judicial Magistrate, Thiruvarur which was confirmed in Crl.A.No.4 of 2023 dated 30.11.2023 on the file of the District Judge,



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2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.2,14,200/- as compensation. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the petitioner submit that there are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay 50% of the cheque amount in the credit of the case before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of



the fine amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 30.11.2023 made in C.A.No.4 of 2023 on the file of the learned Principal District and Sessions Judge, Thiruvarur is suspended, subject to the following conditions :-

*"(a) The petitioner is directed to deposit 50% of the cheque amount in STC.No.932/2018 on the file of the learned Judicial Magistrate, Thiruvarur within a period of four weeks from the date of receipt of copy of this order.*

*(b) The petitioner shall execute a bail bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvarur. This bail bond shall be entertained only after the deposit of the money specified in clause (a).*

*(c) The petitioner shall appear before the*



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*learned Judicial Magistrate, Thiruvarur, on the first working day of the every English Calendar Month at 10.30 am, until further orders; and*

*(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner."*

6. This petition is ordered accordingly.

**01.07.2024**

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**Note: Issue order copy on 02.07.2024**

|                |          |
|----------------|----------|
| Index          | : Yes/No |
| Speaking Order | : Yes/No |
| NCC            | : Yes/No |



To

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1. The Judicial Magistrate, Thiruvarur.
2. The Principal District and Sessions Judge, Thiruvarur.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai – 600 104.



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**M.DHANDAPANI, J.**

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