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*Crl.M.P.Nos.17824 & 17825 of 2024
in Crl.R.C.No.2299 of 2024*

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in

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner / accused by the learned III Additional Sessions Judge, Chennai in Crl.A.No.326 of 2023, dated 15.10.2024, whereby the Appellate Court modified the punishment confirming the conviction imposed in order dated 09.05.2023 made in C.C.No.6954 of 2019 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam 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 that towards discharge of the liability, the petitioner had issued a cheque for Rs.1,14,000/-; that when the cheque was presented for collection it was returned with an endorsement as



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“Exceeds Arrangements” and that inspite of statutory notice, petitioner did not make any payment.

3.The learned counsel for the petitioner would submit that the respondent had not established that the petitioner is liable to pay the cheque amount; that the petitioner had rebutted the statutory presumption; that the petitioner has raised substantial grounds in the above revision, which requires consideration and that to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for granting suspension of sentence to the petitioner.

4. Heard the learned counsel for the petitioner and perused the records.

5. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and the submission made by the petitioner that he is willing to deposit 50% of the



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cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount, i.e. Rs.57,000/- (Rupees Fifty Seven Thousand only) to the credit of C.C.No.6954 of 2019 on the file of the Metropolitan Magistrate, Fast Track Court No.I, Egmore @ Allikulam, Chennai 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 for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the trial court.

(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 a 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 that 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.



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(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16.12.2024
(2/2)

rsi

To

1.The III Additional Sessions Judge,
Chennai.

2.The Metropolitan Magistrate,
Fast Track Court No.I,
Egmore @ Allikulam, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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