



*Crl.M.P.Nos.18048 & 18050 of 2024
in Crl.R.C.No.2333 of 2024*

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in

Crl.R.C.No.2333 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner / accused by the learned District Judge, Mayiladuthurai by judgment dated 21.09.2024 in Criminal Appeal No.9 of 2024, thereby confirming the conviction of the petitioner by judgment dated 16.02.2024 in S.T.C.No.1694 of 2021 on the file of the learned Judicial Magistrate Court, Sirkali 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.The case of the respondent is that the petitioner had borrowed a sum of Rs.6,50,000/- on 20.08.2021 and towards discharge of the said liability, the petitioner had issued a cheque for Rs.6,50,000/-; that when the



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cheque was presented for collection it was returned with an endorsement as “Funds Insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The learned counsel for the petitioner would submit that the petitioner is the brother-in-law of the first respondent (husband of first respondent's sister); that the first respondent had misused the cheque, which was taken from the residence of the petitioner; that the petitioner had rebutted the statutory presumption; that the first respondent had made contrary statements in the statutory notice and in the complaint as regards the manner in which the loan was advanced; that the petitioner has raised substantial grounds in the revision, which requires consideration and that to show his bonafides, the petitioner is willing to deposit 20% of the cheque amount and prayed for granting suspension of sentence to the petitioner.



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

5. Considering, the submission made by the learned counsel for petitioner and finding force in the same; that the petitioner has raised substantial grounds in the above revision, which requires consideration and since the petitioner is willing to deposit 20% of the 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 20% of the cheque amount, i.e. Rs.1,30,000/- (Rupees One Lakh Thirty Thousand only) to the credit of S.T.C.No.1694 of 2021 on the file of the learned Judicial Magistrate, Sirkali, within a period of four weeks from the date of receipt of a copy of this order.



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(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 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.,



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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.

(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.

18.12.2024

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SUNDER MOHAN, J.

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To

- 1.The District Judge,
Mayiladuthurai.
- 2.The Judicial Magistrate,
Sirkali.
- 3.The Public Prosecutor,
High Court, Madras.

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