



Crl.MP No.17921 of 2024
in Crl.RC No.2315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 17921 of 2024
IN CRL RC NO. 2315 OF 2024

S.Rajagopal
S/o. Samikannu,
No.1/43, Mettu Street, Irumbai Village And Post, Vanur
Taluk, Villupuram District - 605 111. ... Appellant(s)

Vs

K.Sowri
S/o. Krishna Kounder,
No.56/160A, No.147, Mariamman Kovil Street,
Nallavoor Village, Vanur Taluk,
Villupuram District - 604 154. Erode -1. ... Respondent(s)

For Appellant(s): Mr.C.Munusamy

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the II Additional District Judge, Tindivanam in C.A.No.109 of 2023 dated 26.11.2024 confirming the judgment passed by the learned Judicial Magistrate, Vanur in C.C.No.71 of 2021 dated



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12.10.2023 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. It is the case of the respondent that the petitioner had issued a cheque for Rs.15,00,000/- towards discharge of his liability and when the said cheque was presented for collection, it was returned for the reason “Account closed” and inspite of statutory notice, the petitioner did not make any payment.

3. The petitioner/Accused in C.C.No.71 of 2021 was convicted by the Trial Court for the offence under Section 138 r/w 142 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for 1 year with compensation of a sum of Rs.30,00,000/-, in default, to undergo simple imprisonment for six months. Challenging the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred an appeal in Crl.A No.109 of 2023 before the II Additional District and Sessions Judge (FAC), Tindivanam and the said appeal was dismissed, by judgment dated 26.11.2024. Aggrieved by the same, the petitioner has filed the above



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Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

4. The learned counsel for the petitioner would submit that the petitioner had rebutted the statutory presumption; that there are several arguable points 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 suspension of sentence.

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

6. Considering the submission made by the learned counsel for the petitioner that there are several arguable points in the above revision which requires consideration and the fact that the petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence



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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.7,50,000/- [Rupees Seven Lakhs Fifty Thousand 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 learned Judicial Magistrate, Vanur ;

(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



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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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

17.12.2024
(2/2)

rgr

To

1.The II Additional District Judge,
Tindivanam.

2.The Judicial Magistrate,
Vanur, Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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