



CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO.18095 OF 2024

IN CRL RC NO. 2345 of 2024

G.R.Thilak
S/o.G.K.Radhakrishnan,
Plot No.38, Door No.6, 3rd Street,
Maruthin Nagar,
Madambakkam,
Chennai - 600 073.

... Petitioner(s)

Vs

SAROJA
W/o.Sankar, L-15, Rajbhavan Colony, Velachery
Road, Check Post, Chennai - 600 042. Sankar
(deceased) and 3 Others

... Respondents

For Petitioner : Mr. A.V. Arun
For Respondent(s): Mr.S.Esakkimuthu

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner herein made in C.A.No.60 of 2018 on the file of XVI Additional Sessions Judge (FAAC) of XIX Additional Sessions Court, Chennai District confirming the order of



CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

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conviction dated 19.01.2018 rendered in C.C.No.2147 of 2012 on the file of Metropolitan Magistrate (FTC-III) at Saidapet and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. It was the case of the complainant who is no more that the petitioner had issued a cheque for Rs.4,00,000/- towards discharge of his liability and when the said cheque was presented for collection, it was returned for the reason “insufficient fund” 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 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and directed to pay the cheque amount of Rs.4,00,000/- as compensation under Section 357 of Cr.P.C.. Challenging the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred an appeal in Crl.A No.60 of 2018 before the XVI Additional Sessions Judge (FAC) of XIX Additional Sessions Court, Chennai and the said appeal was dismissed, by judgment dated 02.08.2024. Aggrieved by the same, the petitioner has



CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

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

4. The learned counsel for the petitioner would submit that pursuant to the judgment of the Appellate Court, the petitioner was arrested on 26.11.2024 and he is now willing to deposit the entire cheque amount to the credit of C.C.No.2147 of 2012 and prayed for suspension of sentence.

4. The learned counsel for the respondent, submitted that when the respondents are willing to compound the offence, on receipt of the cheque amount.

5. Heard the learned counsel for the petitioner as well as respondents and perused the records.

6. It is seen that the first respondent requires the demand draft to be issued in her favour, although the respondents 2 to 4 are also the legal heirs of the deceased. Hence, this court is of the view that the petitioner can be directed to deposit the cheque amount of Rs.4,00,000/- to the credit of



CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

C.C.No.2147 of 2012 before the trial court, within a period of two weeks from today. On such deposit, the first respondent is be permitted to withdraw the same, after producing the affidavit of respondents 2 to 4 expressing their no objection for handing over the compensation amount to the first respondent.

7. Considering the above facts and since the petitioner is willing to deposit the entire cheque amount to the credit of C.C.No.2147 of 2012 before the trial, 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 :

(a) The petitioner/accused is directed to deposit the cheque amount of Rs.4,00,000/- [Rupees Four Lakhs only], to the credit of C.C.No.2147 of 2012 before the trial court, within a period of two weeks from today;

(b) On such deposit being made, the first respondent is permitted to withdraw the same, after producing the affidavit of respondents 2 to 4 expressing their no objection for handing over the compensation amount to the first respondent ;



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CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

(c) The petitioner is ordered to be enlarged on bail, on condition that he shall execute a 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 trial Court ;

(d) 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 ;

(e) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

19.12.2024
(2/2)

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Issue order copy by 19.12.2024
Upload the order copy forthwith.



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To

1.The XVI Additional Sessions Judge (FAAC)
XIX Additional Sessions Court, Chennai

2.The Metropolitan Magistrate (FTC-III)
at Saidapet, Chennai

3.The Superintendent
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024



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CRL MP NO.18095 OF 2024 IN
CRL RC NO. 2345 of 2024

SUNDER MOHAN, J.

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**CRL MP NO.18095 OF 2024
IN CRL RC NO. 2345 of 2024**

**19.12.2024
(2/2)**