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Crl.M.P.Nos.319 & 324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.319 & 324 of 2025
in Crl.R.C.No.53 of 2025

Munnusamy

... Petitioner in both petitions

Vs.

Sree Gokulam Chits and Finance Company Ltd.,
Rep by its. M.D.A.M.Gopalan,
Rep by POA Ram Kumar,
Branch Manager, Gobichettipalayam,
No.65, 1st Floor, Sre Pariyur Towers,
Erode District.

... Respondent in both petitions

PRAYER in Crl.M.P.No.319 of 2025 in Crl.R.C.No.53 of 2025: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 21.11.2024 made in C.A.No.327 of 2023 on the file of the Ld. IIIrd Additional Principal District and Sessions Court, Gobichettipalayam confirming the judgment dated 31.07.2023 made in STC.No.1047 of 2017 on the file of the Ld. Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.



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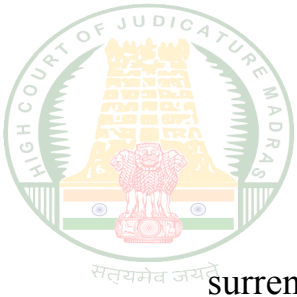
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PRAYER in Crl.M.P.No.324 of 2025 in Crl.R.C.No.53 of 2025: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to grant an order of exemption from surrendering before the Trial Court pursuant to the judgment dated 21.11.2024 made in C.A.No.327 of 2023 on the file of the Ld. IIIrd Additional District and Sessions Court, Gobichettipalayam confirming the judgment dated 31.07.2023 made in STC.No.1047 of 2017 on the file of the Ld. Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

For Petitioner
in both petitions : Mr.M.Ganesh for
Mr.N.Manoharan

COMMON ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.327 of 2023 dated 21.11.2024 by the learned III Additional District and Sessions Judge, Gobichettipalayam confirming the judgment dated 31.07.2023 in STC.No.1047 of 2017 passed by the learned Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from



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surrendering before the Trial court, pending disposal of the above revision.

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2.It is the case of the respondent that towards discharge of his liability, the petitioner had issued a cheque for a total sum of Rs.4,49,776/-; that when the cheque was presented for collection, it was returned for the reason “Insufficient Funds” and that in spite of statutory notice issued by the respondent, the petitioner failed to make the payment.

3.The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a sum of Rs.4,49,776/- as compensation to the respondent within two months. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the revision which requires



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consideration; that the petitioner had already deposited 20% of the cheque amount pending appeal before the lower appellant Court and to show his bonafides, he is willing to deposit 30% of the cheque amount within a period of four weeks.

5.Considering the above submissions made by the learned counsel for the petitioner and in view of the fact that the petitioner is willing to deposit 30% of the cheque amount, this Court is inclined to suspend the sentence and exempt the petitioner from surrender before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i)The petitioner/accused is directed to deposit 30% of the cheque amount i.e., Rs.1,39,933/- [Rupees One Lakh Thirty Nine Thousand and Nine Thirty Three only] to the credit of S.T.C.No.1047 of 2017 before the Trial Court, 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,



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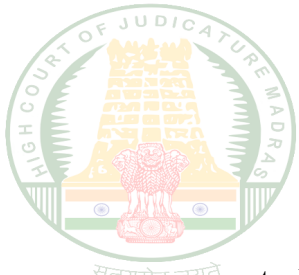
renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(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 No.I, Gobichettipalayam;

(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 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



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custody for undergoing the sentence.

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6.In the result, the criminal miscellaneous petitions are ordered.

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SUNDER MOHAN, J.

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