



*Crl.M.P.Nos.1600 & 1601 of 2025
in Crl.RC.No.210 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NOS. 1600 & 1601 of 2025

in

CRL RC NO. 210 of 2025

Siva Kumar

... Petitioner in both Crl.M.Ps

Vs

Kathiravan

... Respondent in both Crl.M.Ps

For Petitioner(s):

Mr.Deepanuday in both Crl.M.Ps

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner by a judgment dated 15.05.2024 made in STC.No.1228 of 2022 on the file of Judicial Magistrate Court, Paramathi, Namakkal, which was confirmed by the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, Namakkal in Crl.A.No.106 of 2024 dated 11.12.2024 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



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above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for Rs.5,00,000/- towards discharge of the liability; that when the cheque was presented for collection, it was dishonoured for the reason “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in STC.No.1228 of 2022 was convicted by the Trial Court by the judgment dated 15.05.2024 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo 1 year simple imprisonment and directed him to pay the cheque amount of Rs.5,00,000/-. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.106 of 2024 before the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, Namakkal. The learned Sessions Judge, by the judgment dated 11.12.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.210 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption



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from surrender and bail.

4.The learned counsel for the petitioner would submit 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 he prayed for granting suspension of sentence to the petitioner.

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

6. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and that the petitioner is ready to deposit 50% 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 50% of the cheque amount, i.e. Rs.2,50,000/- (Rupees Two Lakh and Fifty Thousand only) to the credit of STC.No.1228 of



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2022 on the file of Judicial Magistrate Court, Paramathi, Namakkal, 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 her 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



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disposal of the revision and if she is not able to appear before the Trial Court on that day, she 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 her 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

30.01.2025
(2/2)

Anu

To

- 1.The Judicial Magistrate Court, Paramathi, Namakkal
- 2.The Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, Namakkal
- 3.The Public Prosecutor,

High Court, Madras.



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SUNDER MOHAN, J.

Anu

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