



Crl.M.P.No.15191 of 2023
in
Crl.RC.No.1618 of 2023

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SUNDER MOHAN,J

It is the case of the respondent that towards discharge of his liability, the petitioner had issued a cheque for a sum of Rs.4 lakhs and when the said cheque was presented to collection, it was returned with an endorsement “funds insufficient” and in spite of statutory notice, the petitioner did not make any payment.

2. The learned counsel for the petitioner submitted that the petitioner has raised substantial grounds which require consideration; that the petitioner had deposited 20% of the cheque amount during the pendency of the appeal and now, to show his bonafides he is willing to pay 30% of the cheque amount; and prayed for suspension of sentence.

3. Heard the learned counsel for the respondent.



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4. Considering the fact that the petitioner has raised substantial grounds, which requires consideration and the submission made by the petitioner that he is willing to deposit 30% of the cheque amount, this Court is inclined to grant suspension of sentence to the petitioner, 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 30% of the cheque amount, to the credit of C.C.No.85 of 2023 on the file of the Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai, 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 for a sum of Rs.10,000/- with two sureties, each for a likesum to the



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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 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.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

29/1/2025

mvs.



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