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*Crl.M.P.No.12495 of 2024
in Crl.R.C.No.1487 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.12495 of 2024

in

Crl.R.C.No.1487 of 2024

C.V.Vickram Suria Varma

... Petitioner /Accused

Vs.

M.Balamurugan

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita praying to suspend the sentence imposed on the petitioner in C.C.No.6466 of 2017 in the order dated 29.09.2023 on the file of learned Metropolitan Magistrate, Fast Track Court-V, Saidapet at Chennai, which was confirmed by the order of learned Principal Session Judge in Crl.A.No.681 of 2023 dated 06.07.2024 convicting the petitioner to undergo simple imprisonment for eight months.

For Petitioner : Mr.V.T.Narendiran



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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in C.C.No.6466 of 2017 by the order dated 29.09.2023 on the file of learned Metropolitan Magistrate, Fast Track Court at Magisterial Level - V, Saidapet at Chennai, which was confirmed by the learned Principal Session Judge, Chennai in Crl.A.No.681 of 2023 dated 06.07.2024, convicting the petitioner to undergo simple imprisonment of eight months, pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued a cheque for Rs.22,00,000/-; that when the cheque was presented for collection it was returned for the reason “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in C.C.No.6466 of 2017 was convicted by the Trial Court by judgment dated 29.09.2023 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo eight months simple imprisonment and directed him to pay the cheque amount of



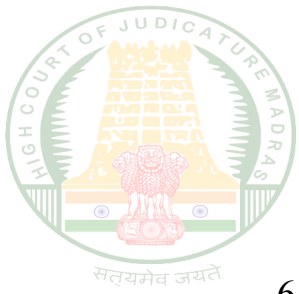
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Rs.22,00,000/-. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.681 of 2023 before the learned Principal Sessions Judge, Chennai. The learned Sessions Judge, by judgment dated 06.07.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.1487 of 2024 before this Court along with the instant miscellaneous petitions seeking suspension of sentence 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 pursuant to the judgment of the Appellate Court the petitioner was arrested on 08.01.2025 and to show his bonafides, the petitioner is willing to deposit 30% of the cheque amount and prayed for granting suspension of sentence to the petitioner.

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



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6.It is seen from the record that this Court, on 19.10.2024, had observed that the petitioner had not complied with the direction to deposit a sum of Rs.6,60,000/- on or before 02.10.2024 and thereafter, vacated the earlier interim order granted by this Court. Since the petitioner has been arrested and he is willing to deposit 30% of the cheque amount, this Court is inclined to grant suspension of sentence and bail 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, i.e. Rs.6,60,000/- (Rupees Six Lakhs and Sixty Thousand only) to the credit of C.C.No.6466 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level - V, Saidapet, Chennai, within a period of two 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.



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(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 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.



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SUNDER MOHAN, J.

rsi

7. Accordingly, this Criminal Miscellaneous Petitions is ordered.

10.01.2025
(3/4)

rsi

Issue order copy by 21.01.2025
Upload the order copy forthwith.

To

- 1.The Metropolitan Magistrate,
Fast Track Court at Magisterial Level - V,
Saidapet, Chennai.
- 2.The Principal Sessions Judge,
Chennai.
- 3.The Superintendent,
Central Prison-I,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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