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Crl.M.P.No.19038 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 19038 of 2019

in

Crl. A. No. 433 of 2026

R. Elizabeth Rani

... Petitioner

Vs.

K.G. Nagarajan

... Respondent

To suspend the operation of the sentence passed in judgment dated 11.11.2019 passed in Crl.A.No.217 of 2019 on the file of I Additional District Sessions Judge, Coimbatore reversing the judgment dated 05.04.2019 passed in C.C.No.160 of 2016 on the file of Judicial Magistrate FTC No.II @ ML, Coimbatore.

For Petitioner : Mr. P. Maheshkumar

ORDER

The petitioner / accused in a case under Section 138 of the Negotiable Instruments Act, filed by the respondent in C.C. No. 160 of 2016, was acquitted by the trial Court by judgment dated 05.04.2019. Aggrieved by the



said judgment, the respondent preferred an appeal in C.A.No.217 of 2019 before the Sessions Court. By judgment dated 11.11.2019, the learned Sessions Judge allowed the appeal, set aside the order of acquittal passed by the trial Court, convicted the petitioner and sentenced her to undergo simple imprisonment for a period of three months. Challenging the said judgment of the conviction and sentence, the present appeal has been filed.

2. The case against the petitioner is that the petitioner had borrowed a sum of Rs.2,00,000/- from the respondent. Towards discharge of the said liability, the petitioner issued a cheque, which, on presentation, was dishonoured. During trial, the respondent examined himself as PW1 and marked Ex.P1 to Ex.P7.

2.1. In defence, the petitioner examined herself as DW1 and marked Exs.D1 to D4. The defence put forth by the petitioner is that, in the year 2008, while she was away from her residence, the respondent had trespassed into her house and taken away five signed cheques. According to the petitioner, one of those cheques has been misused by the respondent in the year 2015 by projecting it as one issued towards discharge of a legally enforceable debt. To substantiate the said defence, the petitioner examined



herself as DW1 and marked Exs.D1 to D4. Ex.D1 is the copy of the complaint given to the police.

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2.2. The trial Court, upon holding that the petitioner had successfully probalised her defence, rightly acquitted her. However, the lower appellate Court reversed the judgment of acquittal without assigning proper reasons. Hence, the present appeal.

3. Considering the submissions and upon perusal of the materials, this Court finds that the appeal is founded on two contradictory judgments and the appellant has made a case for appeal. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

4. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and she is ordered to be enlarged on bail, on condition that she shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

6. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the



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disposal of the appeal 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 his absence as directed by the Trial Court.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

30.06.2026

Neutral Citation: Yes/No
AT

To

- 1.The I Additional District and Sessions Judge, Coimbatore.
- 2.The Judicial Magistrate FTC No.II @ ML, Coimbatore.



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M.NIRMAL KUMAR, J.

AT

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