



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5056 of 2016

IN

CRL RC(MD) No.434 of 2016

MARUTHAMBAL

..PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs.

KALAIIVANI

..RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and release the petitioner on bail in judgment passed by the learned IInd Additional District Judge, Trichy dated 19.02.2016 in C.A.No.60 of 2015 by confirming the judgement dated 18.06.2015 in C.C.No.176 of 2013 on the file of the Learned Judicial Magistrate at Musiri till the disposal of Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.SENTHIL KUMAR, Advocate for the petitioner, the court made the following order:-

The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the accused in a cheque bouncing case in C.C.No.176 of 2013, on the file of the learned Judicial Magistrate, Musiri.

3. The petitioner has been convicted under Section 138 N.I.Act and sentenced to 4 months R.I., and she has been directed to pay the cheque amount, namely, Rs.95,000/- as compensation to the complainant, i/d 1 month S.I.

4. The learned II Additional District Judge, Trichy, confirmed the conviction and sentence and dismissed the Criminal Appeal No.60 of 2015.

5. The learned counsel for the petitioner submitted that there are several legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioner.



6. In the facts and circumstances, perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. Further, the petitioner was on bail in the Trial Court. I see *prima facie* case. I am inclined to grant revision bail to the petitioner.

7. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court and confirmed by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Musiri.
- (iv) There shall be stay of the operation of the order directing payment of compensation under Section 357(3) Cr.P.C.
- (v) Within 3 weeks from the date of receipt of a copy of this order, the petitioner shall deposit Rs.25,000/- to the credit of C.C.No.176 of 2013, on the file of learned Judicial Magistrate, Musiri.
- (vi) The said sum of Rs.25,000/- shall be deposited in a Nationalized Bank, in Musiri initially for a period of one year with renewable clause.
- (vii) The disbursal of the said amount and the accrued interest thereon shall be decided in the main revision.

(viii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. until further orders.

sd/-

23/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE IIND ADDITIONAL DISTRICT JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE, MUSIRI, TIRCHY DISTRICT.
- 3 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

+1. C.C. to M/S T.SENTHIL KUMAR Advocate SR.No.32759

ORDER IN

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IN

CRL RC(MD) No.434 of 2016

Date :23/06/2016