

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.24 of 2017

R.Sivakala
W/o.Rejendran

.. Petitioner/Petitioner/Accused

vs.

D.Sethuram
S/o.V.N.Dharmalingam

.. Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Principal District and Sessions Judge, Coimbatore, passed in C.M.P.No.3307 of 2016 in C.A.No.183 of 2016 on 20.12.2016.

For Petitioner : Mr.M.Guruprasad

O R D E R

This revision arises against the order of learned Principal District and Sessions Judge, Coimbatore, passed in C.M.P.No.3307 of 2016 in C.A.No.183 of 2016 on 20.12.2016.

2. Heard learned counsel for petitioner.

3. Petitioner having suffered a sentence of conviction in case tried in C.C.No.131 of 2013 on the file of learned Judicial Magistrate, Fast Track Court I, Coimbatore, for an offence u/s.138 of the Negotiable Instruments Act, has moved C.A.No.183 of 2016 on the file of learned Principal District and Sessions Judge, Coimbatore and therein, sought suspension of sentence. Petition for such relief in C.M.P.No.3307 of 2016 has been dismissed on 20.12.2016 as there was no representation on the hearing date. A perusal of the papers reveal that the trial Court, on finding the petitioner absent on the date of order has issued a non-bailable warrant against her. The non-bailable warrant remains in force.

The Criminal Revision Case is allowed and the order of learned Principal District and Sessions Judge, Coimbatore, passed in C.M.P.No.3307 of 2016 in C.A.No.183 of 2016 on

20.12.2016, is set aside subject to the petitioner paying a sum of Rs.5,000/- to the Tamil Nadu State Legal Services Authority, which authority may consider the feasibility of utilisation of the sum towards mediation training. Appellate Court is directed to consider afresh C.M.P.No.3307 of 2016 in C.A.No.183 of 2016 solely on merits and pass appropriate orders on the same day.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

- 1 The Principal District and Sessions Judge, Coimbatore.
- 2 The Judicial Magistrate No.III, Coimbatore
- 3 The Judicial Magistrate Fast Track Court I Coimbatore
- 4 The Chief Judicial Magistrate, Coimbatore
- 5 The Secretary
Tamil nadu State legal Service authority
chennai

+1cc to Mr.M. Guruprasad, Advocate, S.R.No.1782

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md(11/01/2017)

Cr1.R.C.No.24 of 2017

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