

Crl.M.P.Nos.7244 and 7245 of 2017
in Crl.R.C.No.786 of 2017

V.BHARATHIDASAN, J.,

Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and petitioner was sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for 3 months, by the learned Judicial Magistrate, Fast Track Court No.I, at Magistrate Level at Coimbatore, by a judgment dated 23.04.2015 in C.C.No.469 of 2013. Challenging the same, petitioner had preferred an appeal in C.A.No.136 of 2015 on the file of the learned Additional District and Sessions Judge, Coimbatore, and the lower Appellate Court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 29.04.2017. Aggrieved which, the present revision has been filed.

2. Crl.M.P.No.7244 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.7245 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. The learned counsel appearing for the petitioner would submit that the complaint filed by the petitioner is barred by limitation and it has been filed beyond the statutory period. The learned counsel for the petitioner would further submit that the last date for filing complaint is on 14.12.2009, but the complaint has been filed only on 17.02.2010. He also produced a copy of the complaint and the information received by the trial Court shows that the date of filing of complaint is only on 17.02.2010. The lower Appellate Court has stated that the complaint has been filed only on 20.12.2009 and convicted the petitioner.

V.BHARATHIDASAN, J.,

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4. Heard the learned counsel appearing for the petitioner and perused the impugned judgment and the materials available on record carefully.

5. Taking into consideration of the submission of the learned counsel, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, pending revision, the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate I, Coimbatore, with further condition that she shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders. The surrender of the petitioner before the trial Court is exempted.

13.06.2017
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the sentence is suspended on condition that the petitioner shall deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) to the credit of S.T.C.No.46 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode, within a period of 8 weeks from today and

If the petitioner fails to comply with the above condition, this order shall stand automatically vacated without any further reference to this Court.

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