



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

Monday, the Eighteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.11440 of 2017
IN
CRL RC(MD) No.936 of 2017

SELVANAYAGI

... PETITIONER/APELLANT

Vs

1 JOHN BOSCO FIDELIS
2 THE SPECIAL PUBLIC PROSECUTOR
NAGERCOIL,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the conviction and sentence passed in C.A No. 15/2012 on the file of the Fast Track Mahila Court, Nagercoil dated 19.09.2017 confirming the conviction and sentence passed in C.C No. 117/2009 dated 11.02.2012 on the file of the Learned Judicial Magistrate No.II Nagercoil.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.SIVAKUMAR, Advocate for the petitioner and Respondents not appeared in person or by an Advocate while admitting the Criminal Revision Petition the court made the following order:-

The petitioner /accused in C.C.No.117 of 2009, on the file of the learned Judicial Magistrate No.II, Nagercoil while challenging her conviction and sentence dated 11.02.2012, seeks revision bail under Section 482 Cr.P.C.

2. After trial, she has been convicted and sentenced as under:

Conviction	Sentence
Section 138 of N.I.Act	1 year S.I. + Compensation of Rs.10,00,000/- i/d 3 months S.I.

3. Against the order of conviction, the petitioner preferred an appeal in C.A.No.15 of 2012 before the learned Fast Track Mahila Court, Nagercoil and the same was dismissed by



confirming the judgment of the Trial Court. Against the order of Appellate Court, present Criminal Revision is preferred by the petitioner herein.

4.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that there is no proof or evidence on the side of the complainant to speak about the means in paying a sum of Rs.10,00,000/- on the date of issuing cheque by the petitioner herein. While the complainant was examined as P.W.1 before the Trail Court, he has admitted that on the date of issuance of cheque, he is not having Rs.10,00,000/- on hand. It is further submitted that there is no such averments in the complaint or in the statutory notice. The respondent has not chosen to prove the enforceable debt on the date of issuance of cheque by the respondent himself. He further submitted that the petitioner is having arguable points in this Criminal Revision and he is having a prima facie case in his favour.

5.In the facts and circumstances, perusing the impugned Judgment 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. Further, it will take some time for the disposal of the criminal revision. On considerations, this petition is ordered as under:

(i) Revision bail is granted.

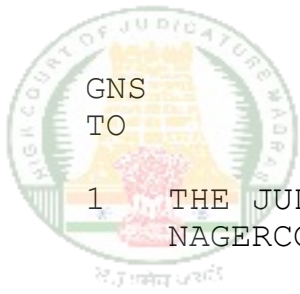
(ii)Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate concerned.

(iii)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/-
18/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



GNS
TO

1 THE JUDGE, FAST TRACK MAHILA COURT,
NAGERCOIL

2 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL

3 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE SPECIAL PUBLIC PROSECUTOR
NAGERCOIL, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.N.SIVAKUMAR Advocate SR.No.36394

GJM/VR/SAR-I-19.12.2017-3P-6C

ORDER

IN

CRL MP (MD) No.11440 of 2017

IN

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Date :18/12/2017 (1/2)