

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION Nos.15607 and 15609 of 2018

IN CRL RC.1326/2018

P.MAHESWARI

[PETITIONER]

Vs

S.DURAIKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1326/2018 on the file of the High Court, the High Court will be pleased to

(i) suspend the sentence imposed in S.T.C.No.120 of 2016 dated 14.05.2018 on the file of the Judicial Magistrate, Fast Track Court No.II at Erode and confirmed by the Judgement dated 09.11.2018 in Crl.A.No.176/2018 on the file of II Additional Sessions Judge, Erode, pending disposal of the above Crl.RC.NO.1326 of 2018.

[IN CRL.MP.NO.15607 OF 2018]

(ii) exempt the petitionr from surrendering in respect of the sentence of imprisonment imposed in S.T.C.No.120 of 2016 dated 14.05.2018 on the file of Judicial Magistrate, Fast Track Court No.II at Erode confirmed by the Judgement dated 09.11.2018 in Criminal Appeal NO.176/2018 on the file of II Additional District and Sessions Judge, Erode, pending disposal of the above Crl.RC.NO.1326 of 2018.

[IN CRL.MP.NO.15609 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1326/2018 on the file of the High Court and upon hearing the arguments of M/S.V.REGUNATHAN, Advocate for the petitioner the court made the following order:-

Petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year Simple imprisonment for the said offence by the learned Judicial Magistrate, Fast Track Court No.II, Erode under Judgment dated 14.05.2018 in S.T.C.No.120 of 2016. The conviction and sentence imposed by the trial Court was confirmed by the learned III Additional Sessions Judge, Erode, under Judgment in C.A.No.176 of 2018 dated 09.11.2018. Hence, the petitioner seeks suspension of sentence.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. In view of the facts and circumstances of the case, the **substantive sentence of imprisonment alone is suspended**, on condition, that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only) i.e. 50% of the cheque amount to the credit of S.T.C.No.120 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Erode within a period of four weeks from today.

4. Further, the petitioner is directed to execute 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, Fast Track Court No.II, Erode within a period of two weeks from the date of receipt of a copy of this order. She shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

5. In view of the suspension of sentence, the petitioner is exempted from surrendering before the learned Judicial Magistrate, Fast Track Court No.II, Erode and accordingly Crl.M.P.No.15609 of 2018 is ordered.

-sd/-

22/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE.

+1C.C. to M/S.V.REGUNATHAN Advocate on payment of necessary
charges in SR.NO. 22182

Order

in
CRL MPS.15607 & 15609 of 2018

in
CRL RC.1326/2018

Date :22/11/2018

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