



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1865 of 2018

IN

CRL RC (MD) No.137 of 2018

J.VALARMATHI

... PETITIONER/PETITIONER

Vs

P.ARUMUGAM

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence passed in Criminal Appeal No.126 of 2017 dated 23.10.2017 on the file of the Learned Additional Sessions Court, Karur confirming the Judgment in C.C.No.84 of 2015 dated 04.08.2017 on the file of the Learned Judicial Magistrate Fast Track Court at (Magisterial Level), Karur and enlarge the Petitioner on bail, pending disposal of the Criminal Revision Petition and thus render justice.

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

The petitioner has been convicted in C.C.No.84 of 2015, by the learned Judicial Magistrate, Fast Tract Court (Magisterial Level), Karur, on 04.08.2017, for the offence under Section 138 of Negotiable Instruments Act, and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1,500/- in default to undergo 30 days simple imprisonment. Challenging the conviction and sentence, the petitioner filed an appeal in Crl.A.No.126 of 2017 before the Additional Sessions Court, Karur and the same was dismissed on 23.10.2017. Challenging the conviction and sentence the petitioner has filed the present Criminal Revision Case. In the meantime, the petitioner was arrested on 02.03.2018 in execution of the committal warrant and hence, the petitioner has filed the present application for suspension of sentence and bail.



3. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution and that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Karur and on further condition that:

- (i) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of C.C.No.84 of 2015, before the Judicial Magistrate, Fast Track Court (Magisterial Level), Karur and on such deposit the learned Judicial Magistrate shall redeposit the amount in a Nationalized Bank so that the amount along with accrued interest can be disbursed depending on the outcome of the Criminal Revision Case.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision and if she is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of her absence, as directed by the Trial Court.

sd/-

14/03/2018

/ TRUE COPY /



TO

1 THE ADDITIONAL SESSIONS JUDGE, KARUR

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, (MAGISTERIAL LEVEL), KARUR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

4 THE SUPERINTENDENT OF SPECIAL PRISON FOR WOMEN,
MARAKKADAI, TRICHY DISTRICT.

+1. C.C. to M/S.V.BALAJI Advocate SR.No.4084

ORDER

IN

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Date :14/03/2018

PK/PN/SAR-2/14.03.2018 : 3P/6C