



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

Thursday, the Twelfth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.2835 of 2018
IN
CRL RC (MD) No.212 of 2018

S.MAHESWARI,

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

1 ARUNACHALAM PILLAI,
2 THE STATE REP.BY
THE PUBLIC PROSECUTOR,
NAGERCOIL,
KANYAKUMARI DISTRICT.

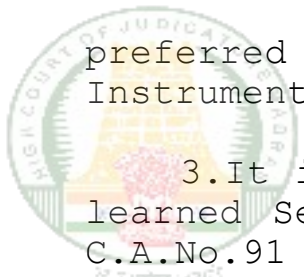
... RESPONDENTS/RESPONDENTS/
RESPONDENTS/COMPLAINANTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on me and enlarge me on bail on the sentence imposed by Judgment made in C.A.No.91 of 2012 dated 07.03.2018 on the file of Honourable Sessions Judge, Kanyakumari at Nagercoil whereby confirmed the Judgment made in C.C.No.123 of 2012, on the file of the Learned Judicial Magistrate (Fast Track) Court No.I, Nagercoil, dated 10.10.2012 pending disposal of the Criminal Revision in the interest of justice 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.C.MUTHUSARAVANAN, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the Second Respondent the court made the following order:-

Heard Mr.C.Muthusaravanan, learned counsel appearing for the petitioner and Mr.K.Sumbulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the second respondent.

2.The petitioner borrowed a sum of Rs.2,50,000/- from the first respondent on 11.05.2009 and in order to discharge her liability, she issued a cheque on 28.05.2009. When the first respondent presented the cheque for encashment, the cheque was returned as insufficient funds. Therefore, the petitioner has



preferred a complaint under Section 138 of Negotiable Instrument Act.

3. It is seen that the petitioner has been convicted by the learned Sessions Judge, Kanyakumari District at Nagercoil, in C.A.No.91 of 2012 dated 07.03.2018, for the offence under Section 138-A of Negotiable Instrument Act and was sentenced to undergo Simple Imprisonment for one year and to pay a compensation of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) the cheque amount to the first respondent in default to undergo Simple Imprisonment for the offence under Section 138 of Negotiable Instrument Act.

4. On the side of the petitioner, it is stated that the petitioner is working as a Government servant and willing to settle the matter and she prayed the sentence to be suspended.

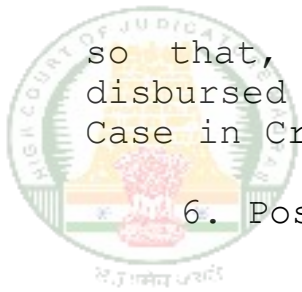
5. In view of the representation made by the learned counsel appearing for the petitioner, the substantive sentence of imprisonment is suspended and the petitioner is ordered to be released on interim bail, till 27.04.2018, on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with 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 (Magistrate Level) No.I, Nagercoil, Kanyakumari District and on further condition that:

(i) 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.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if she is not able to appear before the Trial Court on any day, he 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 his absence, as directed by the Trial Court.

(iii) On release from the prison, the petitioner shall deposit a sum of Rs.62,500/- (Rupees Sixty Two Thousand Five Hundred only) to the credit of C.A.No.91 of 2012, before the learned Judicial Magistrate No.I, Nagercoil, before 27.04.2018; and

(iv) On such deposit, the learned Judicial Magistrate No.I, Nagercoil, shall re-deposit the sum of Rs.62,500/- (Rupees Sixty Two Thousand Five Hundred only) in any Nationalised Bank,



so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.212 of 2018.

6. Post on 27.04.2018 'for reporting compliance'.

WEB COPY

/ TRUE COPY /

sd/-
12/04/2018

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

TO

- 1 THE SESSIONS JUDGE, KANYAKUMARI AT NAGERCOIL.
 - 2 THE JUDICIAL MAGISTRATE (FAST TRACK) COURT NO.I,
NAGERCOIL.
 - 3 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 4 THE PUBLIC PROSECUTOR,
NAGERCOIL, KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.C.MUTHUSARAVANAN Advocate SR.No.6074

DAS
GJM/CSL/RR/SAR-4-16.4.18-3P-7C

ORDER
IN
CRL MP (MD) No.2835 of 2018
IN
CRL RC (MD) No.212 of 2018
Date :12/04/2018 (1/3)