



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

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.4710 and 4711 of 2018
IN
CRL RC(MD) No.340 of 2018

V.K.LALITHA PRASAD

... PETITIONER/ PETITIONER

Vs

1 E.R.SUGUMARAN

2 THE STATE OF TAMIL NADU,
REP.BY PUBLIC PROSECUTOR

NAGERCOIL, KANYAKUMARI DISTRICT. ... RESPONDENTS/ RESPONDENTS

PRAYER IN CRL MP(MD) No.4710 of 2018 IN CRL RC(MD) No.340 of 2018:

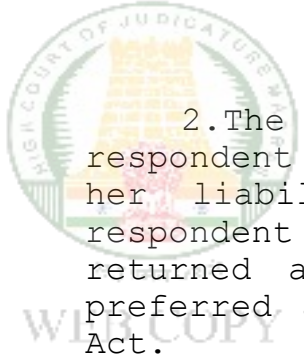
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by SUSPENDING THE SENTENCE imposed upon her in C.C.No.225/2005 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District dated 02/04/2007, which had been confirmed by Judgement dated 14/03/2018 in Crl.A.No.72/2007 on the file of the Learned Sessions Judge, Kanyakumari Division at Nagercoil pending disposal of the above Crl.R.C.

Prayer in CRL MP(MD) . 4711/ 2018 IN CRL RC(MD) No.340 of 2018:

To exempt the petitioner from surrender pursuant to the confirmation of conviction and sentence Crl.A.No.72/2007 on the file of the Learned Sessions Judge, Kanyakumari District at Nagercoil vide judgement dated 14/03/2018 pending disposal of the above Crl.R.C.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner in both the petitions and of Mr.M.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent in both the petitions, the court made the following order:-

Heard Mr.A.Thiruvadikumar, learned counsel appearing for the petitioner and Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the second respondent.



2.The petitioner borrowed a sum of Rs.1,20,000/- from the respondent towards the end of March 2004 and in order to discharge her liability, she issued a cheque on 02.05.2005. When the respondent presented the cheque for encashment, the cheque was returned as 'Funds Insufficient'. Therefore, the petitioner has preferred a complaint under Section 138 of Negotiable Instruments Act.

3.It is seen that the petitioner has been convicted by the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, in C.C.No.225 of 2005 for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.4,000/- (Rupees Four Thousand only), in default to undergo one month simple imprisonment, by judgment dated 02.04.2007.

4.As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.72 of 2007 before the learned Sessions Judge, Kanyakumari Division, at Nagercoil. The first appellate Court has also confirmed the conviction and sentence, by its judgment dated 14.03.2018, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.340 of 2018. Along with the revision, she has filed the present applications for suspension of sentence pending disposal of the said revision and for exemption of her surrender pursuant to the aforesaid Judgment.

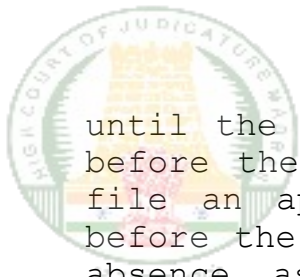
5.On the side of the petitioner, it is stated that the petitioner is having arguable points for the revision and she prayed for suspension of sentence till the disposal of the revision and for exemption of her surrender pursuant to the aforesaid Judgment.

6.Records perused. The order of the learned Judicial Magistrate is already confirmed by the first Appellate Court and it is stated that the petitioner is having valid ground of revision and this Court is of the view that the petitioner herein is entitled to put forth her case in this revision petition.

7.This Court is inclined to grant suspension of sentence till 23.07.2018, 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 No.I., Kuzhithurai 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, 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.

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(iii) The petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of C.C.No.225 of 2005, before the learned Judicial Magistrate No.I, Kuzhithurai, on or before 20.07.2018; and

(iv) On such deposit, the learned Judicial Magistrate No.I, Kuzhithurai, shall re-deposit the sum of Rs.60,000/- (Rupees Sixty Thousand 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 Crl. R.C.(MD)No.340 of 2018.

(v) The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

8. Post on 23.07.2018 'for reporting compliance'.

sd/-

06/07/2018

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

TO

- 1 THE SESSIONS JUDGE, KANYAKUMARI DISTRICT AT NAGERCOIL
2. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI,
KANYAKUMARI DISTRICT.
3. DO-THROUGH 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 Mr.A.THIRUVADI KUMAR Advocate SR.No.12447

ORDER IN

CRL MP(MD) Nos.4710 and 4711 of 2018
IN CRL RC(MD) No.340 of 2018

Date :06/07/2018