



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

Thursday, the Second day of August Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6201 and 6202 of 2018
IN
CRL RC(MD) No.438 of 2018

FATHIMA BEEVI

... PETITIONER/PETITIONER
(in Both Petitions)

Vs

1.MOHAMMED APPA

2.STATE OF TAMIL NADU,
REPRESENTED BY THE PUBLIC PROSECUTOR
NAGERCOIL,
KANYAKUMARI DISTRICT

.... RESPONDENT / RESPONDENT
(in Both Petitions)

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence in order in C.A.No.4/2013 in the file of the Mahalir Fast Track Court, Nagercoil dated 19/05/2017 confirmed the STC.No.1131/2012 on the file of the Judicial Magistrate No.I, FTC, Nagercoil dated 20/12/2012 pending disposal of the above Crl.R.C

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.SELVAKUMARAN, Advocate for the petitioner in Both Petitions and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the Second Respondent in Both Petitions the court made the following order:-

Heard Mr.T.Selvakumaran, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal Side) appearing for the second respondent.

2.It is seen that the petitioner has been convicted by the learned Judicial Magistrate No.I, Fast Track Court, Nagercoil, in S.T.C.No.1131 of 2012 for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay compensation of Rs.50,000/- (Rupees Fifty thousand only), to the complainant, and in default to undergo one month simple imprisonment, by judgment dated 20.12.2012.



3.As against the said conviction and sentence, the petitioner has preferred an appeal in C.A.No.4 of 2013 before the Mahalir Fast Track Court, Thiruchirappalli. The first appellate Court has modified the conviction and sentence, by judgment dated 19.05.2017, aggrieved by which, the petitioner has preferred a revision in Crl.R.C.No.438 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.

4.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.

5.Records perused. The order of the learned Judicial Magistrate is modified 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 put forth her case in this revision petition.

6.This Court is inclined to grant suspension of sentence till the disposal of the case, 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, Fast Track Court, Nagercoil 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.
- (iii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Five Thousand only) to the credit of S.T.C.No.1131 of 2012, before the learned Judicial Magistrate No.I, Fast Track Court, Nagercoil, on or before 20.08.2018; and



(iv) On such deposit, the learned Judicial Magistrate No.I, Fast Track Court, Nagercoil, shall re-deposit the sum of of Rs.20,000/- (Rupees Twenty Five 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.438 of 2018.

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

7. Post on 24.08.2018 'for reporting compliance'.

sd/-

02/08/2018

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

TO

1.THE JUDICIAL MAGISTRATE NO.I,
FAST TRACK COURT,
NAGERCOIL.

2.THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3.THE PUBLIC PROSECUTOR,
NAGERCOIL, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.T.SELVAKUMARAN Advocate SR.No.14890.

ORDER

IN

CRL MP(MD) No.6201 and 6202 of 2018

IN

CRL RC(MD) No.438 of 2018

Date :02/08/2018

RAM/MMS/SAR 1/20.08.2018/2P/5C