



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

Friday, the Twelfth day of October Two Thousand and Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) Nos.8263 & 8264 of 2018
IN
CRL RC(MD) No.579 of 2018

DEEPA PRIYA

... PETITIONER/PETITIONER
(in Both Petitions)

Vs

1.PARAMESWARI

2.STATE REPRESENTED BY,
PUBLIC PROSECUTOR,
DINDIGUL.

... RESPONDENTS/RESPONDENTS
(in Both Petitions)

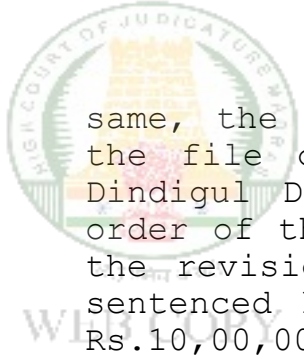
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence in C.A.No.53/2016 dated 11/08/2018 on the file of the Learned Additional District and Sessions Court, Palani, Dindigul District reversing the Judgement of the Learned Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District in C.C.No.51/2014 dated 16/11/2016 pending disposal of the Crl.R.C.

Prayer in CRL MP(MD). 8264/ 2018 :

To exempt the petitioner to surrender before the court to take the Judgement on the Appellate Court in C.A.No.53/2016 dated 11/08/2018 on the file of the Learned Additional District and Sessions Court, Palani, Dindigul District reversing the Judgement of the Learned Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District in C.C.No.51/2014 dated 16/11/2016 pending disposal of the Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.KARTHIK, Advocate for the petitioner in the both petitions while admitting Crl.RC, the court made the following order:-

The petitioner is the sole accused in C.C.No.51 of 2014 on the file of the Fast Track Court (Magistrate Level), Palani. By judgment dated 16.11.2016, she has been acquitted from the offence under Section 138 of the Negotiable Instruments Act. Challenging the



same, the complainant has filed an appeal in C.A.No.53 of 2016 on the file of the Additional District and Sessions Court, Palani, Dindigul District and the lower appellate Court has reversed the order of the Trial Court by judgment dated 11.08.2018 and convicted the revision petitioner/accused under Section 138 of N.I. Act and sentenced her to undergo 6 months simple imprisonment and to pay Rs.10,00,000/- as compensation, in default to undergo 2 months simple imprisonment. Challenging the same, the petitioner is before this Court with Crl.R.C.(MD) No.579 of 2018. Pending disposal of the same, the petitioner has come forward with these petitions seeking exemption from surrendering before the trial Court and suspension of substantive sentence of imprisonment.

2. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

3. Since certain arguable points have been raised by the learned counsel for the petitioner, this Court is inclined to exempt the petitioner from surrendering before the Trial Court and also grant suspension the sentence till the disposal of the revision.

4. Accordingly, these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

(i) The petitioner herein shall deposit a sum of Rs.2,50,000/- to the credit of C.C.No.51 of 2014 on the file of the Fast Track Court (Magistrate Level), Palani, Dindigul District within a period of 30 days from today.

(ii) On such deposit, the Fast Track Court (Magistrate Level), Palani, Dindigul District, shall invest the said amount in a deposit having accrual of interest in any Nationalized Bank.

(iii) The petitioner shall 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 Fast Track Court (Magistrate Level), Palani, Dindigul District.

sd/-
12/10/2018

/ TRUE COPY /

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



TO

1. THE FAST TRACK COURT (MAGISTRATE LEVEL),
PALANI, DINDIGUL DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE PUBLIC PROSECUTOR,
DINDIGUL

+1. C.C. to Mr.S.KARTHIK Advocate SR.No.19629.

ORDER
IN
CRL MP (MD) Nos.8263 & 8264 of
2018

IN
CRL RC (MD) No.579 of 2018
Date :12/10/2018

RAM/MMS/SAR 1/26.10.2018/3P/5C