

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.14407 of 2019

IN CRL.R.C.NO.1051 of 2019

J.DEVI

[PETITIONER]

Vs

M.RAJENDIRAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To pass an order suspending the sentence passed against the petitioner/accused herein in S.T.C.No.164 of 2012 on the file of Judicial Magistrate, Fast Track Court Magisterial Level No.II at Poonamallee dated 21.11.2015 confirmed in C.A.No.88 of 2015 on the file of the court of Principal District Judge at Thiruvallur dated 11.08.2016 pending disposal of the above Crl.R.C.No.1051 of 2019.

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

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 21.11.2015 passed in S.T.C.No.164 of 2012, by the Judicial Magistrate, Fast Track Court, (Magisterial Level-II), Poonamallee, as confirmed in the judgment, dated 11.08.2016, made in Crl.A.No.88/2015, by the Principal District Judge, Tiruvallur, pending disposal of the Criminal Revision Case.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by both the impugned judgements, for non-payment of the cheque amount in question, viz. Rs.6,00,000/-, the Petitioner/accused was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, to undergo three month Simple Imprisonment in default, to undergo one month Simple

Imprisonment.

4. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended. The petitioner is in judicial custody and without prejudice to the grounds raised in the revision, today, the petitioner has paid a sum of Rs.1,00,000/- to the respondent.
5. The respondent and his counsel have appeared and received the said amount and they have acknowledged the receipt of the same.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, suspension of sentence and bail are granted, on the following conditions :-
 - a) The Petitioner/Accused is ordered to be released on bail, on her executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, (Magisterial Level-II), Poonamallee.
 - b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
 - c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 317 of Cr.PC. 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.

Post the matter on 25.10.2019.

-sd/-

04/10/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, FAST TRACK COURT,
(MAGISTERIAL LEVEL-II), POONAMALLEE,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR,

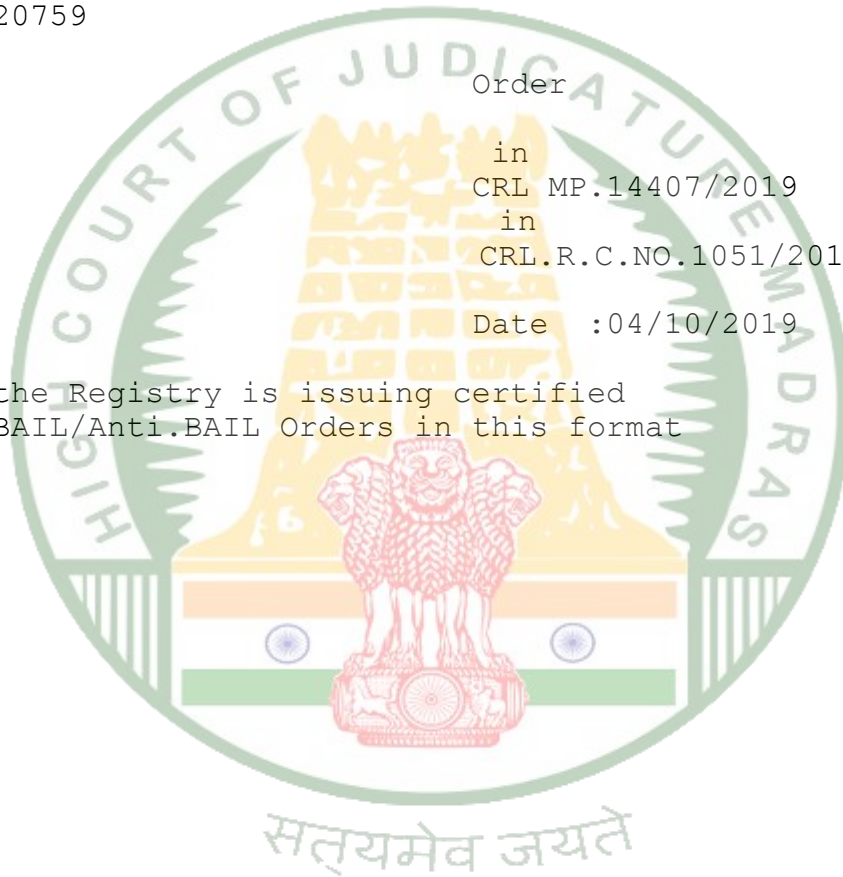
4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAI, CHENNAI.

+1 C.C. to M/S. R.RAJASEKARAN Advocate on payment of necessary
charges SR.NO.20759

Order
in
CRL MP.14407/2019
in
CRL.R.C.NO.1051/2019
Date :04/10/2019

From 7.2.2001 the Registry is issuing certified
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TA-04/10/2019



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