

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.17798 of 2019
IN CRL.RC.NO.1318 OF 2019

M.NARMATHA

[PETITIONER]

vs

P.KUMARESAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1318/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 02.03.2016 made in STC No.131 of 2013 on the file of the Judicial Magistrate FTC No.1, Erode which was confirmed in the judgment dated 21.09.2017 made in C.A.No.71 of 2016 on the file of the I Additional Sessions Judge, Erode and enlarge the petitioner on bail pending disposal of the above revision petition.[CRL.MP.NO.17798/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1318/2019 on the file of the High Court and upon hearing the arguments of M/S.M.GURUPRASAD Advocate for the petitioner the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of conviction and sentence of imprisonment, imposed vide judgment, dated 02.03.2016, made in S.T.C.No.131/2013, by the learned Judicial Magistrate, (Fast Track Court No.I), Erode, as confirmed by the judgment of conviction and sentence of imprisonment imposed by the judgment dated 21.09.2017, made in Crl.A.No.71/2016, by the I Additional Sessions Judge, Erode, pending disposal of this criminal revision case.
- 2.This court heard the submissions made by the learned counsel for the petitioner/accused and the learned counsel appearing for the respondent/complainant also perused both the impugned Judgments.
- 3.In and by the impugned judgement of the Trial Court, the petitioner/accused was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Six Months Simple Imprisonment and to pay a fine of Rs.5,000/- in default, to undergo Fifteen days Simple Imprisonment and no compensation has been ordered.

4. The learned counsel for the petitioner/accused would submit that the petitioner/accused is a lady and that she is in judicial custody and that though the cheque involved in this case is for Rs.3,00,000/-, the parties have compromised the matter pursuant to which, the petitioner has paid a sum of Rs.2,00,000/- towards full and final settlement of the cheque amount and that it has also been accepted by the respondent/complainant and would submit that the parties have taking steps for filing compounding application and would pray that the substantive sentence imposed against the petitioner/accused may be suspended.
5. The respondent/complainant is present before this Court. The learned counsel for the respondent/complainant would submit that a settlement has been arrived and the respondent/complainant has received an amount of Rs.2,00,000/- as full and final settlement of the cheque amount and he is prepared to compound the matter.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, 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.10,000/- (Rupees ten thousand only) with two sureties each, of whom, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court No.I, Erode.
 - b) The Petitioner/Accused shall appear before the Trial Court at 10.30a.m., on the first working day of every month, until the disposal of the revision petition 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 of Cr.PC. 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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-sd/-

28/11/2019

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 NO.1]ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE[FOR INFORMATION]

3 THE I ADDITIONAL SESSIONS
JUDGE, ERODE

+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary
charges SR.NO. 24570

Order

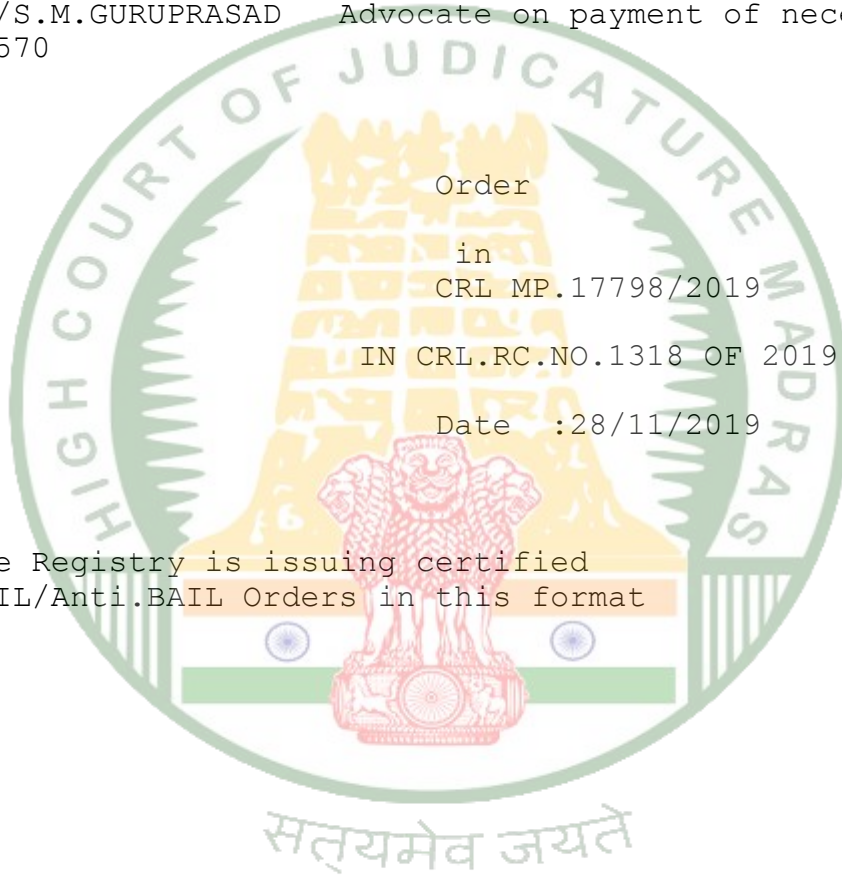
in

CRL MP.17798/2019

IN CRL.RC.NO.1318 OF 2019

Date :28/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 28/11/2019



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