

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.17769 of 2019

IN CRL RC.1316/2019

M.REVATHI

[PETITIONER]

Vs

K.MARUTHAMUTHU

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1316/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 27.09.2019 passed in C.A.No.60/2019 on the file of the Second Additional District and Sessions Court, Erode District at Erode confirming the judgment dated 21.01.2019 passed in S.T.C.No.550/2017 on the file of the Judicial Magistrate Court (Fast Track Court No.II), Erode, pending disposal of the above CRL.RC.NO.1316 OF 2019 [IN CRL.MP.NO.17769 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1316/2019 on the file of the High Court and upon hearing the arguments of M/S. I.C.VASUDEVAN, 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 27.09.2019, made in Crl.A.No.60/2019, by the II Additional District and Sessions Court, Erode District at Erode, confirming the conviction and sentence of imprisonment imposed by the judgment dated 21.01.2019, made in S.T.C.No.550/2017, by the learned Judicial Magistrate, (Fast Track Court No.II), Erode, pending disposal of this criminal revision case.
- 2.This court heard the submissions made by the learned counsel for the petitioner/accused and 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 One Year Simple Imprisonment and to pay a fine of Rs.3,000/- in default, to undergo Three Months 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 there are arguable points in the criminal revision case and that the revision petition is not likely to be taken for final hearing in the near future and that the petitioner/accused has got a fair chance of succeeding in the criminal revision case and would pray that the substantive sentence imposed against the petitioner/accused may be suspended on condition of depositing some amount. He would submit that without prejudice to her contentions, the petitioner/accused is prepared to deposit 50% of the cheque amount within one week from the date of comes out on bail.
5. 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 his 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 at Magisterial Level-II, Erode.
 - b) The petitioner/accused shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) which is 50% of the cheque amount, i.e., Rs.2,00,000/- before the Trial Court, within a period of one week from the date of release from prison and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the revision petition.
 - c) 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.

d) 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, he 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.

e) On the failure of the petitioner/accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Post the matter on 09.12.2019 for "reporting compliance".

-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 SECOND ADDITIONAL DISTRICT AND
SESSIONS COURT, ERODE DISTRICT.

2 THE JUDICIAL MAGISTRATE COURT,
[FAST TRACK COURT NO.II]. ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

WEB COPY

+1C.C. to M/S. I.C.VASUDEVAN Advocate on payment of necessary charges SR NO.24632

Order

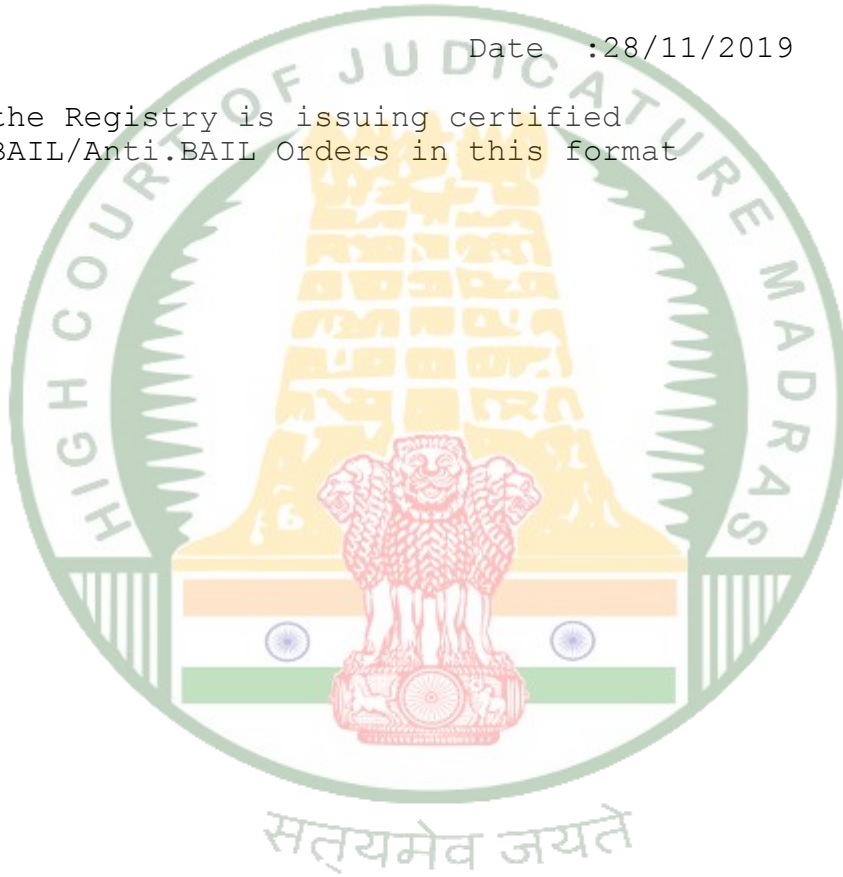
in
CRL MP.17769/2019

in
CRL RC.1316/2019

Date :28/11/2019

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

MK:28/11/2019



WEB COPY