



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

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2895 of 2019

IN

CRL RC(MD) No.185 of 2019

VASANTHI SURESH

... PETITIONER/REVISION PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

SATHIYANESAN

... RESPONDENT/ RESPONDENT/
RESPONDENT/COMPLAINANT

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 imposed on the petitioners by the Learned Mahila (Fast Track) Court, Nagercoil dated 30/10/2018 in C.A.No.93/2012 confirming the judgement made in STC.No.1506/2007 by the Learned Judicial Magistrate No.I, Kulithurai dated 08/10/2012 pending disposal of the Criminal Revision Petition.

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

The petitioner was convicted for the offences under Section 138 of Negotiable Instruments Act, by judgment dated 08.10.2012 by the learned Judicial Magistrate, No.I, Kulithurai in S.T.C.No.1506 of 2007.

2. The petitioner is sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- as compensation under Section 357 (3) of Cr.P.C in default to undergo 3 months simple imprisonment for the offence under section 138 of Negotiable Instrument Act.

3. The learned counsel for the petitioner would submit that the petitioner is ready to deposit a sum of Rs.1,00,000/- without prejudice to his rights in the revision.



4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that 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 learned Judicial Magistrate, No.I, Kulithurai, and on further condition,

(i) that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

(ii) that the petitioner shall deposit a sum of Rs.1,00,000/- (One Lakh only), to the credit of S.T.C number before the concerned Court, within a period of two weeks,

sd/-
28/03/2019

/ TRUE COPY /

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

TO

1. THE JUDGE
FAST TRACK MAHILA COURT, NAGERCOIL.

2. THE JUDICIAL MAGISTRATE NO I,
KULITHURAI.

3. THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

ORDER
IN
CRL MP (MD) No.2895 of 2019
IN
CRL RC (MD) No.185 of 2019
Date : 28/03/2019

TK/PN/SAR-2/02.04.2019/2P/4C