



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

Thursday, the Twenty Ninth day of August Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) Nos.10770 and 10771 of 2018

IN

CRL RC(MD) No.662 of 2018

B.SHANTHI

... PETITIONER/APPELLANT/
RESPONDENT
IN BOTH PETITIONS

Vs

SUNDARESWARI

... RESPONDENT/ RESPONDENT/
RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.10770 of 2018 IN CRL RC(MD) No.662 of 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to grant suspension of conviction of the Judgment in Crl.A.No.6/2015 dated 12/10/2018 by the Learned Additional Sessions Judge IV, Tirunelveli, Confirming the conviction and sentence of imprisonment of 3 months S.I. and to pay compensation of Three lakhs failing which to undergo 3 months S.I. imposed by the Learned Judicial Magistrate No.IV, Tirunelveli in S.T.C.No.777/2011 dated 16/12/2014 till the disposal of the instant Criminal Revision Petition.

PRAYER IN CRL MP(MD)No.10771 of 2018 IN CRL RC(MD) No.662 of 2018:

To exempt the petitioner/sole accused from surrendering in connection with the case in Crl.A.No.6/2015 dated 12/10/2018 by the Learned Additional Sessions Judge IV, Tirunelveli, Confirming the conviction and sentence of imprisonment of 3 months S.I. and to pay compensation of Three lakhs failing which to undergo 3 months S.I. imposed by the Learned Judicial Magistrate No.IV, Tirunelveli in STC.No.777/2011 dated 16/12/2014 till the disposal of the instant Criminal Revision Petition.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.T.LAJAPATHI ROY, Advocate for the petitioner in both petitions, the court made the following order:-



The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act vide judgment dated 16.12.2014 in STC No.777 of 2011 on the file of the learned Judicial Magistrate No.IV, Tirunelveli and sentenced to six months simple imprisonment and also directed to pay a sum of Rs.3.00 lakhs as compensation to the complainant. The said judgment was challenged in Crl.A No.6 of 2015 before the IV Additional District and Sessions Judge, Tirunelveli. The appellate court by judgment dated 12.10.2018 dismissed the appeal. Questioning the same, this criminal revision case has been filed.

2.Even though the complainant has been served privately, the court notice is yet to be served on him. Today, this case is being taken up on a mention by the learned counsel for the petitioner. It is stated that the petitioner has been arrested.

3.On going through the records, it is seen that at the time of filing the revision case, the petitioner herein has taken out two applications, namely, Crl MP(MD)No.10771 of 2018 seeking exemption from surrender and Crl MP(MD)No.10770 of 2018 seeking suspension of sentence. This Court by order dated 02.01.2019 had directed the revision petitioner to deposit a sum of Rs.3.00 lakhs to the credit of Crl.RC(MD)No.662 of 2018 on or before 10.01.2019.

4.It appears that the petitioner was not aware of the direction passed by this Court. I will take it that this condition was imposed by this Court if the petitioner's request for exemption from surrender is to be favorably considered. In as much as the petitioner has not complied with the said direction, the petitioner has since been arrested. Therefore, her application for exemption from surrender has become infructuous. I am therefore of the view that the case for suspension of sentence and grant of bail can be considered dehors the condition imposed by this Court on 02.01.2019. The petitioner's counsel states that the petitioner would immediately deposit a sum of Rs.60,000/- to the credit of STC No.777 of 2011 on the file of the Judicial Magistrate No.IV, Tirunelveli and the balance amount would be deposited within a period of eight weeks after her release from custody.

5.Recording the said submission, this Court suspends the substantial part of the sentence of imprisonment alone imposed on the petitioner by the learned Judicial Magistrate No.IV, Tirunelveli and confirmed by the judgment dated 12.10.2018 in Crl.A No.6 of 2015 on the file of the IV Additional Sessions Judge, Tirunelveli.

6.Accordingly, Crl MP(MD)No.10770 of 2018 is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision case and the petitioner 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 for a like sum to the satisfaction of the Judicial Magistrate No.IV, Tirunelveli and on further condition that the petitioner shall appear before the said court on the first working day of every month at 10.30 am, pending revision case. Crl (MD)No.10771 of 2018 is dismissed as infructuous.

sd/-
29/08/2019

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

TO

- 1.THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.
- 2.THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 3.THE JUDICIAL MAGISTRATE NO IV,
TIRUNELVELI.
- 4.THE CHEIF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

+1. C.C. to Mr.T.LAJAPATHI ROY Advocate SR.No.14401

ORDER
IN
CRL MP(MD) Nos.10770 and
10771 of 2018 IN
CRL RC(MD) No.662 of 2018
Date :29/08/2019

TK/VR/SAR.2/29.08.2019/3P/6C