

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5097 of 2020

in Crl.R.C.No.713 of 2020

Kavitha @ Nandhini

...Petitioner/Accused

Vs.

Navaneethakrishnan

...Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 20.01.2015 passed in C.C.No.337 of 2015 on the file of the Judicial Magistrate Court (Fast Track Court No.II), Coimbatore, confirmed by the judgment and order dated 05.12.2017 passed in C.A.No.34 of 2017 on the file of the V Additional District and Sessions Court, Coimbatore.

For Petitioner : Mr.A.Gokulakrishnan

For Respondent : Mr.R.Ganesh Babu

ORDER

This case is taken up through video conferencing.

2. This criminal miscellaneous petition is filed to suspend the sentence imposed on the petitioner by judgment and order dated 20.01.2015 passed in C.C.No.337 of 2015 on the file of the Judicial Magistrate Court (Fast Track Court No.II), Coimbatore, confirmed by the judgment and order dated 05.12.2017 passed in C.A.No.34 of 2017 on the file of the V Additional District and Sessions Court, Coimbatore.

3. The petitioner, who was an accused in C.C.No.337 of 2015 before the Judicial Magistrate Court (Fast Track Court No.II), Coimbatore, was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo one year simple imprisonment and to pay the cheque amount of Rs.4,80,000/- as compensation, along with interest at the rate of 6% per annum from the date of cheque till the date of payment within a period of one month, in default to undergo six months simple imprisonment.

4. The appeal in C.A.No.34 of 2017 filed by the petitioner was dismissed by the V Additional District and Sessions Court, Coimbatore, on 05.12.2017.

5. Challenging the concurrent findings of fact arrived at by the Courts below, the petitioner has filed CrI.R.C.No.713 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

6. Heard Mr.A.Gokulakrishnan, learned counsel for the petitioner and Mr.R.Ganesh Babu, learned counsel for the respondent.

7. It is seen that the appellate Court had confirmed the conviction and sentence as early as on 05.12.2017, but, the petitioner was arrested by the police only on 12.03.2020 nearly after two years.

8. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Moreover, the petitioner has been in incarceration since 12.03.2020 and the present revision petition itself has been filed with the delay of 741 days. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of interim suspension of sentence and bail.

9. Accordingly, the relief of interim suspension of sentence and bail is granted to the petitioner on the following conditions:

(i) The petitioner shall deposit a sum of Rs.50,000/- before the Judicial Magistrate Court (Fast Track Court No.II), Coimbatore, to the credit of C.C.No.337 of 2015 and on such deposit, the respondent/de facto complainant is entitled to withdraw the same;

(ii) After such deposit, the petitioner shall be released on bail on she executing a bond for a sum of Rs.10,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate Court (Fast Track Court No.II), Coimbatore;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, (Fast Track Court No.II), Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iv) The petitioner shall appear before the trial Court 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 Cr.P.C. 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; and

-sd/-
27/08/2020

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.II, COIMBATORE.

2 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S. G.K.ASSOCIATES Advocate on payment of necessary charges

+2 C.C. to M/S. R.GANESH BABU Advocate on payment of necessary charges SR.No 6039

Order
in

CRL MP.5097/2020

in

CRL.R.C.No.713/2020

Date :27/08/2020

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