



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

Monday, the Second day of March Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL.M.P. (MD) Nos.1190 & 1193 of 2020
IN
CRL A(MD) No.69 of 2020

SOUNDARAVALLI @ GRACE

... PETITIONER/ PETITIONER
in both the petitions

Vs

S.KANAGALAKSHMI

... RESPONDENT/ RESPONDENT
in both the petitions

Prayer in CRL MP(MD) . 1190/ 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment passed against me in CA.No.47/2019 dated 06.12.19 by the 6th Additional Sessions Judge, Madurai by reversing the judgment dated passed in 18.04.18 in STC No.349 of 2016 on the file of the Judicial Magistrate No.II, (FTC) Magistrate Level, Madurai.

Prayer in CRL MP(MD) . 1193/ 2020 :

to exempt the petitioner from surrendering before the Hon'ble Judicial Magistrate No.II, (FTC), Magistrate level, Madurai to take the judgment and sentence in CA.No.47/2019 dated 06.12.19 by the 6th Additional Sessions Judge, Madurai by reversing the judgment dated passed in 18.04.2018 in STC NO.349 of 2016 on the file of the Judicial Magistrate, No.II(FTC), Magistrate Level, Madurai.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.I.ROBERT CHANDRAKUMAR, Advocate for the petitioner in both the petitions and of Mr.S.SARAVANA KUMAR, Advocate on behalf of the Respondent in both the petitions, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been acquitted by the learned Judicial Magistrate, No.II (FTC) Magistrate Level, Madurai, in S.T.C.No.349 of 2016 for the alleged offence under Section 138 r/w 142 of the Negotiable Instrument Act, and against the acquittal in S.T.C.No.349 of 2016, the petitioner has been convicted by the trial Court for the alleged offence under Section 138 r/w 142 of the Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of one



year and to pay a compensation of Rs.4,00,000/- in Crl.A.No.47 of 2019, on the file of the learned 6th Additional Sessions Judge, Madurai.

2.Both sides present.

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3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on her 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 learned Judicial Magistrate, No.II (Fast Track Court) Magistrate Level, Madurai;

(ii) Since the cheque amount is Rs.4,00,000/- the petitioner is directed to deposit 20% of the same i.e a sum of Rs.80,000/- (Rupees Eighty Thousand only) to the credit of **S.T.C.No.349 of 2016**, on the file of the learned Judicial Magistrate, No.II (Fast Track Court) Magistrate Level, Madurai, within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the said Court on daily at 10.30 a.m pending revision.

8.The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
02/03/2020

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/ /2020

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



Madurai - 625 023.

TO

1 THE 6TH ADDITIONAL SESSIONS JUDGE,
MADURAI

2 THE JUDICIAL MAGISTRATE NO.II, (FTC)
MAGISTRATE LEVEL, MADURAI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1. C.C. to M/S.G.PRABHU RAJADURAI, Advocate SR.No.4667

ORDER IN
CRL.M.P.(MD)Nos.1190 & 1193 of 2020
IN CRL A(MD) No.69 of 2020
Date :02/03/2020

MS/VR/SAR-4/03.03.2020/3P.5C