



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

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1398 of 2020
IN
CRL RC(MD) No.915 of 2019

PREMA

... PETITIONER/REVISION PETITIONER

Vs

1 RAMASWAMY

2 THE STATE OF TAMIL NADU
REP BY THE PUBLIC PROSEUCTOR
NGERCOIL,
KANYAKUMARI DISTRICT.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the compensation and alternative sentence imposed in C.A.No.28 of 2011 on the file of the Additional District and Sessions Judge(Fast Track) Kanyakumari at Nagercoil dated 24/09/2019 and grant bail to the petitioner, pending disposal of the above Criminal Revision Case.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.KISHORE, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Advocate for R1 and MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl.Side) for R2, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act, and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.5,000/- (Rupees Five thousand only) in default to undergo simple imprisonment for a period of one month in C.C.No.417 of 2006, on the file of the learned Judicial

<https://hcmjss.courtsofmadras.org/hcmjss/reviseanabhapuram>



2.The learned Additional District and Sessions Judge, (Fast Track Court), Kanyakumari at Nagercoil, confirmed the conviction and the sentence passed by the trial Court for a period of three months rigorous imprisonment for the offence under Section 138 of Negotiable Instruments Act alone is hereby set aside and the fine amount and default sentence imposed by the trial Court is hereby confirmed and the petitioner is hereby directed to pay a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the first respondent/complainant as compensation, in default to undergo simple imprisonment for a period of six months and partly allowed the Criminal Appeal No.28 of 2011, dated 24.09.2019.

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.It is submitted by the learned Government Advocate (Crl.side) for R2 and learned counsel for R1 that there are enough materials available on record against the petitioner and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.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 revision and further the criminal revision 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 revision 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, Padmanabhapuram;

(ii) and the petitioner is directed to deposit the cheque amount of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of C.C.No.28 of 2011 on the file of the learned Judicial Magistrate, Padmanabhapuram on 24.02.2020;



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

sd/-
21/02/2020

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

TO

- 1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE (FAST TRACK),
KANYAKUMARI AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM.
- 3 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM.
- 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.KISHORE, Advocate (SR-3679[I] dated 21/02/2020)

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-3768[I] dated 21/02/2020)

ORDER
IN
CRL MP(MD) No.1398 of 2020
IN
CRL RC(MD) No.915 of 2019
Date :21/02/2020

vsd
JM/VR/SAR 3/21.02.2020/3P/9C