



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.10.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.11497 of 2020

Sunitha

... Petitioner

Vs.

Jesintha

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, (Fast Track Court), Nagercoil to accept the sureties submitted by the petitioner related to the order passed in Crl.M.P.No.3360 of 2020 by the Principal District and Sessions Court of Kanyakumari at Nagercoil in C.A.No.26 of 2020.

For Petitioner : Mr.V.Sasikumar

ORDER

Heard the learned counsel appearing for the petitioner. Considering the nature of relief to be granted notice to the respondent is dispensed with.

2.The petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act, in S.T.C.No.576 of 2018 on the file of the learned Judicial Magistrate Fast Track Court, Nagercoil. Questioning the same, the petitioner filed Crl.A.No.26 of 2020 before the Principal District and Sessions Judge, Kanyakumari, Nagercoil. In Crl.M.P.No.3360 of 2020 vide order dated 01.09.2020, the learned Sessions Judge, suspended the sentence imposed on the petitioner. The petitioner was ordered to be enlarged on bail on executing bond for a sum of Rs.10,000/- with two sureties to the satisfaction of the learned trial Magistrate.

3.The case of the petitioner is that when the petitioner appeared before the trial Magistrate and offered sureties, the trial Magistrate declined to accept the same on the ground that no order has been passed by the learned Appellate Judge as regards the compensation directed to be paid by the petitioner herein.

4.I am of the view that the learned trial Magistrate ought not to worry about the same. The learned Sessions Judge has suspended the petitioner's sentence. The petitioner was ordered to execute the sureties and the same will have to be accepted, if papers are otherwise in order. As regards, non suspension of the order regarding payment of compensation, in can be enforced in the manner known to law. The learned Magistrate shall accept the sureties offered by the petitioner herein, pursuant to the petition mentioned order passed by the learned Sessions Judge.



5.The petitioner is directed to surrender before the trial Court on 02.11.2020. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

WEB COPY

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Sub Assistant Registrar(CS)

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate, (Fast Track Court),
Nagercoil.

2.The Principal District and Sessions Court of
Kanyakumari at Nagercoil.

+1 CC to M/s.V. SASIKUMAR, Advocate (SR-20393[F]
dated 16/10/2020)

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na (CO)

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