

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.05.2021

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.M.P.Nos.5973 & 5974 of 2021

in Crl.R.C.No.336 of 2021

Susila Yuvaraj

... Petitioner

Vs.

S.Mohan

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner herein by the Learned 7th Additional Sessions Judge, City Civil Court, Chennai made in Criminal Appeal No.58 of 2019 by dated 15.03.2021 confirming the conviction and sentence passed by the Learned Metropolitan Magistrate, IV FTC, George Town, Chennai, made in CC No.1548 of 2016 by judgment dated 22.01.2019 convicting the petitioner under Section 138 of Negotiable Instruments Act and sentencing her to undergo ten months simple imprisonment and to pay a compensation of Rs.4,00,000/- to the complainant under Section 357(3) of Cr.P.C. within one month and in default to undergo two months simple imprisonment and enlarge the petitioner on bail pending disposal of the criminal revision petition.

For Petitioner : Mr.T.R.Ravi

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, in C.C.No.1548 of 2016, by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, and was sentenced to simple imprisonment for a period of ten months and to pay a compensation of Rs.4,00,000/- to the complainant, in default, to undergo simple imprisonment for a period of two months and the conviction and sentence was confirmed by the VII Additional Sessions Judge, Chennai. Aggrieved by the same, the revision case in Crl.R.C.No.336 of 2021 has been filed and pending disposal of the revision case, the petitioner has prayed for suspension of the substantive sentence of imprisonment and also for exemption from surrendering before the trial Court.

2.Learned counsel appearing for the petitioner submits that the petitioner has already paid a sum of Rs.1,00,000/- to the complainant and he is also ready to pay a further sum of Rs.1,00,000/- (Rupees one lakh only) to the complainant and he would further submit that the petitioner has a bright chance of succeeding in the revision and, hence, prays for suspension of sentence of imprisonment.

3.This Court gave its careful consideration to the submissions of the learned counsel for the petitioner and also perused the materials available on record.

4.On a consideration of the submissions and taking into consideration the fact that the revision case is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

5.Accordingly, the substantive sentence of imprisonment alone stands suspended pending disposal of the revision case and the petitioner is directed to be enlarged on bail on condition that the petitioner pays a sum of Rs.1,00,000/- (Rupees One Lakh only) to the complainant within a period of two weeks from today, and also on the condition that the petitioner shall execute bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

6.These petitions are ordered accordingly.

-sd/-

सत्यमेव जयते
20/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

WEB COPY
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE VIITH ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE
FAST TRACK COURT-IV,
GEORGE TOWN, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

C.C. to M/S.T.R.RAVI Advocate on payment of necessary charges

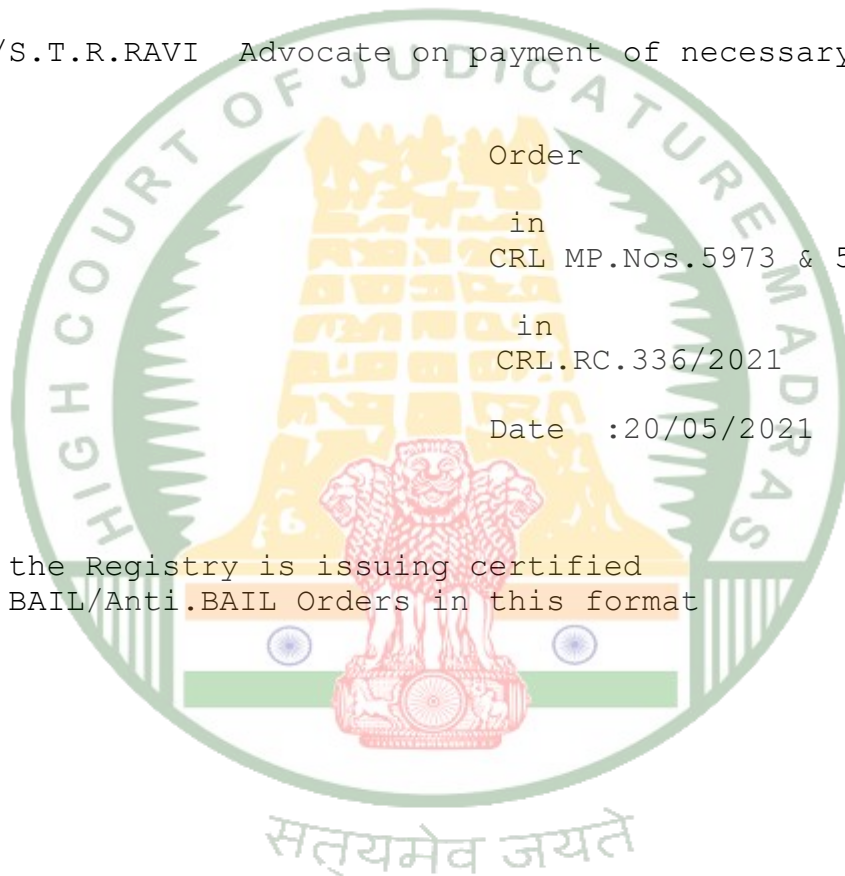
Order

in
CRL MP.Nos.5973 & 5974/2021

in
CRL.RC.336/2021

Date :20/05/2021

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cs 11/06/2021



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