



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.M.P.No.10679 of 2021

in Crl.R.C.No.651 of 2021

M.Mallika

... Petitioner/Appellant/Accused

Vs.

M.Sathishkumar

... Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous petition has been filed under Section 389 r/w. 391(1) of Cr.P.C., praying to suspend the sentence which were imposed against the petitioner in Crl.A.No.4 of 2021 on the file of the learned Additional District and Sessions Judge, Dharmapuri as well as the judgment of conviction passed in C.C.No.14 of 2018 on the file of the learned Fast Track Court (Magistrate Level), Dharmapuri, Dharmapuri District by order dated 05.01.2021 pending disposal of this Criminal Revision Case and release the accused/petitioner on bail.

For Petitioner : Mr.P.Saravanan

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence which were imposed against the petitioner in Crl.A.No.4 of 2021 on the file of the learned Additional District and Sessions Judge, Dharmapuri as well as the judgment of conviction passed in C.C.No.14 of 2018 on the file of the learned Fast Track Court (Magistrate Level), Dharmapuri, Dharmapuri District by order dated 05.01.2021 pending disposal of this Criminal Revision Case and release the accused/petitioner on bail. The petitioner/accused has been convicted and sentenced by the trial Court as follows:

Provision under which convicted	Sentence
Section 138 of NI Act	Four months simple imprisonment and to pay the cheque amount of Rs.2,90,000/- as compensation within a period of two montsh.



2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. Now, since this revision has been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Fast Track Court, Dharmapuri, Dharmapuri District**, within fifteen days from the date of receipt of a copy of this order;

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned **Judicial Magistrate, Fast Track Court, Dharmapuri, Dharmapuri District**.

(c) On release on bail the petitioners shall not influence, threaten or coerce the witnesses either during trial;

(d) the petitioners shall not abscond during trial;

(e) the petitioner shall appear on the first working day of every month before the learned **Judicial Magistrate, Fast Track Court, Dharmapuri, Dharmapuri District**, till the disposal of this Criminal Revision by this Court;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/ Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**. The learned Judicial Magistrate shall report the matter to the High Court for dismissal of the Criminal Revision and the petitioner shall face the



criminal revision from the prison.

-sd/-
12/10/2021

WEB COPY
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 ADDITIONAL DISTRICT
AND SESSIONS JUDGE, DHARMAPURI.

2 THE FAST TRACK COURT
(MAGISTRATE LEVEL) DHARMAPURI DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

+1 C.C. to MR.P.SARAVANAN, Advocate on payment of necessary charges SR.NO.11461

Order

in
CRL MP.10679/2021
in
CRL RC.651/2021

Date :12/10/2021

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TA-18/10/2021