



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION Nos.1172 & 1173 of 2022

in CrI.R.C.No.124 of 2022

ANANDHI SAMIDURAI

[PETITIONER]

Vs

PADMAVATHY

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) suspend the sentence of six months simple imprisonment made under the judgment dated 07/12/2021 in CrI.A.No.66/2018 on the file of III Additional District and Sessions Judge, Coimbatore, Confirming the conviction and sentence in the judgment dated 24/03/2016 made in C.C.No.86/2012, on the file of Judicial Magistrate Fast Track Court NO.I, Coimbatore, pending disposal of the aboveCrI.R.C.No.124 of 2022 and thus render justice. [CRL.MP.NO.1172/2022]

(ii) exemption from surrender of the petitioner before the Judicial Magistrate Fast Track Court No.I, Coimbatore in C.C.No.86/2012 dated 24/03/2016 and accept her surety and pass such further or other orders. [CRL.MP.NO.1173/2022]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.W.CAMYLES GANDHI, Advocate for the petitioner a the court made the following order:-

These petitions have been filed by the petitioner seeking suspension of her sentence of imprisonment and seeking to exempt the petitioner from surrendering before the trial court.



2. The petitioner faced trial in C.C.No.86 of 2012 on the file of the Judicial Magistrate Fast Track Court-I, Coimbatore and the trial Court, by a judgment dated 24.03.2016, convicted the petitioner under Section 138 of the N.I Act and sentenced her to undergo simple imprisonment for the period of 6 months and to pay the compensation of Rs.3,50,000/- under Section 357(3) of Criminal Procedure Code, which is payable withing 2 months from the date of the Judgment and the same was confirmed by the III Additional District and Session Judge, Coimbatore in Crl.A.No.66 of 2018 Vide its order dated 07.12.2021.

3. Challenging the same, the present appeal has been filed along with these petitions for suspension of sentence and to exempt the petitioner from surrendering before the trial court.

4. Without prejudice to his contention in this revision petition, the learned counsel for the revision petitioner offered to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of C.C.No.86 of 2012 before the Judicial Magistrate Fast Track Court No.1 as a precondition for seeking a stay of suspension of sentence and to exempt the petitioner from surrendering before the trial court.

5.The said statement is recorded.

6.Heard both sides and perused the impugned judgment and the materials available on record.

7. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points available in the appeal, I am inclined to suspend the substantive sentence of imprisonment and to exempt the petitioner from surrendering before the trial Court.

8.Accordingly, pending appeal, substantive sentence of imprisonment is suspended and the petitioner is exempted from surrendering before the trial Court and the petitioner is released on bail;

(1) on her depositing a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of C.C.No.86 of 2012 before the Judicial Magistrate Fast Track Court-I, Coimbatore;



(2) 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 Judicial Magistrate Fast Track Court-I, Coimbatore, with further condition that she shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

-sd/-

07/02/2022

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.I, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

+2 C.C. to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.2031 & 2032

Order

in
CRL MP.Nos.1172 & 1173 of 2022
in
Crl.R.C.No.124 of 2022

Date :07/02/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RW 10/02/2022