



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1586 of 2022

IN CRL.RC.NO.169 of 2022

REHANA BANU

[PETITIONER]

Vs

SENGUTTUVAN

[RESPONDENT]

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

(i) To suspend the sentence imposed in C.A.No.49 of 2019 by Principal District and Sessions Judge, Chengalpattu dated 16.11.2021 by modifying the judgement passed in C.C.No.139 of 2018 by Judicial Magistrate Fast Track Court, Alandhur and vide its judgment dated 23.08.2018.

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.G.SURESH, Advocate for the petitioner, the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 16.11.2021 in C.A.No.49 of 2019 passed by the Principal District and Sessions Judge, Chengalpattu. Against which, the present Revision has been filed.

2.The Revision Petitioner was arrayed as the accused in C.C.No.139 of 2018 on the file of the Judicial Magistrate, Fast Track Court, Alandur for an offence under Section 138 of the NI Act. The Court found the Revision petitioner guilty and sentenced him to undergo 6 months Simple Imprisonment and imposed Rs.72,000/- as fine. The Accused preferred an Appeal to the Principal District and Sessions Court, Chengalpattu in C.A.No.49 of 2019 and the learned



Sessions Judge Vide her Judgment dated 16.11.2021 had modified the sentence into three months Simple Imprisonment and also converted the fine amount into one of compensation under Section 357 Cr.P.C.

3. The learned counsel for the Revision Petitioner submitted that out of Rs.72,000/-, the Revision Petitioner has already given Rs.36,000/- directly to the defacto complainant, that another Rs.18,000/- has been deposited before the trial Court as part of the condition for suspending the sentence by the Sessions Court. The learned counsel further submitted that the Revision Petitioner is now ready to deposit the balance sum of Rs.18,000/- (Rupees Eighteen Thousand only) before the trial Court and prays that the substantive sentence imposed against the Petitioner/Accused may be suspended.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is directed to deposit the remaining sum of Rs.18,000/- (Rupees Eighteen Thousand only) before the trial Court within a period of two weeks from the date of receipt of a copy of this order.

(b) The petitioner/accused is ordered to be released on bail, on he 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 FTC, Alandhur.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.



8. The Criminal Miscellaneous Petition stands ordered accordingly.

WEB COPY

-sd/-
15/02/2022

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, ALNDHUR,

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

+1 C.C. to M/S.G.SURESH Advocate on payment of necessary charges
SR.NO.2351

Order

in
CRL MP.1586/2022
in
CRL RC.169/2022

Date :15/02/2022

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TA-18/02/2022.