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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.2499 & 2501 of 2022

in

Crl.RC.No.245 of 2022

M/s.Sree Saravana Trading Company,
Proprietrix V.Sumathi,
D.No.66(4), Eashwaran Kovil Veedhi,
Puliyamarasanthu,
Tiruppur Town,
Tiruppur

...Petitioner

Vs.

S.Saravana Kumar

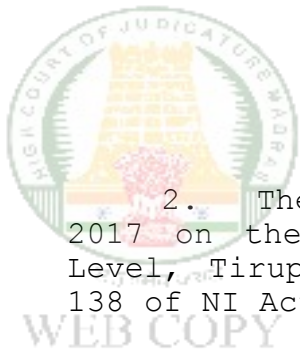
... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) & 482 of Cr.P.C to suspend the sentence imposed on the petitioner in CA.No.87 of 2021 on the file of the learned Principal Sessions Judge, Tiruppur dated 22.01.2022 confirming the conviction and sentence passed by the learned Fast Track Court at Magisterial Level, Tiruppur in CC.No.316 of 2017 dated 13.09.2021 and enlarge the petitioner on bail pending disposal of the above criminal revision case and to exempt the petitioner from surrendering.

For Petitioner : Mr.J.Franklin

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed on the petitioner in CA.No.87 of 2021 on the file of the learned Principal Sessions Judge, Tiruppur dated 22.01.2022 confirming the conviction and sentence passed by the learned Fast Track Court at Magisterial Level, Tiruppur in CC.No.316 of 2017 dated 13.09.2021 and enlarge the petitioner on bail pending disposal of the above criminal revision case and seeking to exempt the petitioner from surrendering before the trial court.



2. The petitioner herein is the first accused in CC.No.316 of 2017 on the file of the learned Fast Track Court at Magisterial Level, Tiruppur. She was found guilty of the offence under Section 138 of NI Act and she has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 138 of NI Act	Six months imprisonment and directed to pay the cheque amount of Rs.10,36,000/- to the complainant as compensation, in default to pay the compensation amount, directed to undergo further one month simple imprisonment

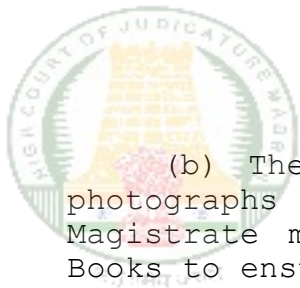
Aggrieved against the same, the petitioner had filed appeal in CA.No.87 of 2021 before the learned Principal Sessions Judge, Tiruppur and the appellate court by judgment dated 22.01.2022 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. 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 case, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the The Fast Track Court at Magisterial Level, Tiruppur.



(b) 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.

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(c) 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 revision petition and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

6. With the above directions, these Criminal Miscellaneous Petitions are ordered.

-sd/-

01/03/2022

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

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE FAST TRACK COURT
AT MAGISTERIAL LEVEL, TIRUPPUR.

+1 C.C. to M/S. J.FRANKLIN Advocate on payment of necessary
charges SR.NO. 3193 (07/03/2022)

Order

in

CRL MP.NOS.2499 & 2501/2022

in

CRL RC.245/2022

Date :01/03/2022

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

RW 01/03/2022