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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.3497 & 3498 of 2022

in

Crl.R.C.No.332 of 2022

Josepheena

... Petitioner

Vs.

K.Rajasekaran

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) r/w 482 of Cr.P.C to suspend the sentence of six months simple imprisonment made under the judgment dated 10.02.2022 in Crl.A.No.67 of 2021, on the file of I Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence in the judgment dated 03.02.2021 made in C.C.No.352 of 2017, on the file of Judicial Magistrate Fast Track Court-I, Coimbatore and to exempt the petitioner from surrendering before the Judicial Magistrate Fast Track Court No.I, Coimbatore in C.C.No.352 of 2017 dated 03.02.2021 and accept her surety, pending disposal of the above Criminal Revision Petition

For Petitioner : Mr.J.Jayan

COMMON ORDER

The petitioner has been convicted by the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore in C.C.No.352 of 2017 on 03.02.2021 for the offence under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo six months Simple Imprisonment and pay the cheque amount of Rs.1,50,000/- as compensation, in default to undergo 2 months simple imprisonment. The appeal in Crl.A.No.67 of 2021 filed by the petitioner has been dismissed on 10.02.2022 by the learned I Additional District and Sessions Judge, Coimbatore. Challenging the same, the petitioner has filed the present revision petition and seeking suspension of sentence and exemption from surrender.



2. According to the learned counsel for the petitioner/accused, there are arguable points available in the criminal revision, and the petitioner/accused has got a fair chance of succeeding in the revision case and hence, the substantive sentence imposed against the petitioner/accused may be suspended and that the petitioner may be exempted from surrendering before the Court.

3. The learned counsel for the revision petitioner further submitted that the petitioner had already deposited a sum of Rs.30,000/- (Rupees Thirty thousand only) before the Lower Court, and now she is ready to abide the condition imposed by this Court. It is his further submission that if the substantial sentence is suspended, it is easy for the petitioner to mobilise the funds and for settling the entire issue.

4. Taking into consideration the nature of the case and given the fact that the offence is a compoundable offence and also given the fact that the petitioner had already deposited a sum of Rs.30,000/- before the trial Court, this Court deems it appropriate to suspend the sentence and grant bail on the following conditions :

(a) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the trial Court on or before 18.04.2022 and on such deposit, the trial Court is directed to redeposit the amount in a fixed deposit account in any nationalised bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of this revision petition. Thereafter, the petitioner 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 learned Judicial Magistrate, Fast Track Court No.I, Coimbatore;

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(c) the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every month 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; and



(d) on the failure of the petitioner depositing the amount, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

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21/03/2022

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

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

+2 C.C. to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges Sr.Nos.4211 & 4212

Order

in
CRL MP.Nos.3497 & 3498 of 2022
in Crl.R.C.No.332 of 2022

Date :21/03/2022

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RVR 22/03/2022