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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.M.P.Nos.4796 & 4797 of 2022

in

CrI.R.C.No.463 of 2022

Selvi

...Petitioner in both
Petitions

Vs.

Srinivasan

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 389(1) & 482 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.476 of 2017 by an order dated 16.09.2017 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore and confirmed in Criminal Appeal in C.A.No.311 of 2017 on the file of the learned V Additional District and Sessions Judge, Coimbatore, by a judgment dated 30.09.2021, and release the petitioner on bail and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

For Petitioner in

both petitions

: Mr.P.K.Rajagopal

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned V Additional District and Session Judge, Coimbatore, in C.A.No.311 of 2017 dated 30.09.2021, by confirming the judgment and sentence passed in C.C.No.476 of 2017 dated 16.09.2017, by the learned Judicial Magistrate, Fast Track Court, Magisterial level-II, Coimbatore, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition

2. The petitioner herein is the accused in C.C.No.476 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial level-II, Coimbatore. She was found guilty of the offence under Section 138 of NI Act and she has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay compensation Rs.1,00,000/- with interest at the rate of 6% per annum to the complainant under Section 357 of Cr.P.C., within one month, in default to undergo simple imprisonment for two months.

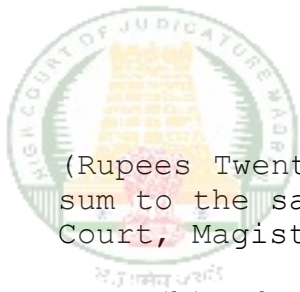
Aggrieved against the same, the petitioners had filed appeal in C.A.No.311 of 2017 and the learned V Additional District and Session Judge, Coimbatore, by order dated 30.09.2021, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case 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. He would submit that the petitioner is ready to abide the condition imposed by this 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, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, 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 shall deposit 50% of the cheque amount (Rs.1,00,000/-), namely Rs.50,000/- (Rupees fifty thousand only) to the credit of C.C.No.476 of 2017 before the trial Court i.e., the learned Judicial Magistrate, Fast Track Court, Magisterial level-II, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the trial court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the criminal revision case. Thereafter, 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 learned Judicial Magistrate, Fast Track Court, Magisterial level-II, Coimbatore.

(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.

(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 his absence, as directed by the trial Court.

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

Post the matter on 08.06.2022 for compliance.

-sd/-
18/04/2022

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 V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, MAGISTERIAL LEVEL-II,
COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]



4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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+1 C.C. to M/S. K.BALASUBRAMANIAM Advocate on payment of
necessary charges SR.NO. 5703

Order

in
CRL MP.Nos.4796 & 4797 of 2022

in
Crl.R.C.No.463 of 2022

Date :18/04/2022

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

RW 19/04/2022