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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.5055 & 5056 of 2022

in

Crl.R.C.No.499 of 2022

Rajeswari

...Petitioner in both
Petitions

Vs.

Thirumal

... Respondent in both
Petitions

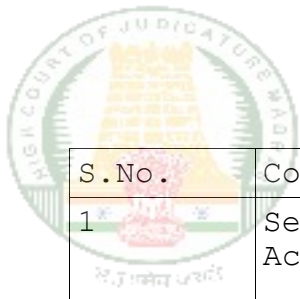
COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) & 482 of Cr.P.C to suspend the sentence imposed on the petitioner/accused 1 in C.C.No.759 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai dated 18.03.2019 confirmed by judgment passed in Crl.A.No.244 of 2019 dated 22.11.2021 by the learned I Additional Sessions Judge, Chennai, 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.S.Nagarajan

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned I Additional District and Session Judge, Chennai, in C.A.No.244 of 2019 dated 22.11.2021, by confirming the judgment and sentence passed in C.C.No.759 of 2016 dated 18.03.2019, by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, 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 first accused in C.C.No.759 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai. 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 ten months and to pay compensation Rs.4,00,000/- with interest at the rate of 9% per annum to the complainant under Section 357 (3) 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.244 of 2019 and the learned I Additional Session Judge, Chennai, by order dated 22.11.2021, 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.4,00,000/-), namely Rs.2,00,000/- (Rupees two lakhs only) to the credit of C.C.No.759 of 2017 before the trial Court i.e., the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, 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 Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai.

(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 10.06.2022 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 METROPOLITAN MAGISTRATE
FAST TRACK COURT NO.IV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE I ADDITIONAL SESSIONS JUDGE,
CHENNAI.



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

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+1C.C. to M/S. S.NAGARAJAN Advocate on payment of necessary
charges SR.No.5717

Order
in
CRL MP.NOs.5055&5056/2022
in
CRL.RC.499/2022
Date :18/04/2022

From 7.2.2001 the Registry is issuing certified
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CSK 19/04/2022