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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5532 of 2022

in

Crl.R.C.No.544 of 2022

R.Amutha

... Petitioner

Vs.

G.Venkatesh

... Respondent

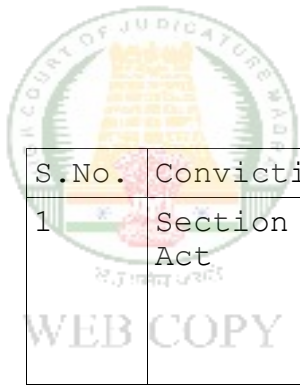
PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C to suspend the sentence imposed in Crl.A.No.246 of 2019 dated 18.02.2021 on the file of the learned XX Additional Sessions Judge, Chennai, confirming the judgment in C.C.No.596 of 2016 dated 03.06.2019 on the file of the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Allikulam, Chennai, pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.L.Infant Dinesh

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed by the learned XX Additional Sessions Judge, Chennai, in C.A.No.246 of 2019 dated 18.02.2021, by confirming the judgment and sentence passed in C.C.No.596 of 2016 dated 03.06.2019 by the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Allikulam, Chennai, and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.596 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Allikulam, Chennai. She was found guilty of the offence under Section 138 of NI Act and she have been convicted and sentenced as under:



| S.No. | Conviction            | Sentence                                                                                                                                                                                                  |
|-------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 138 of NI Act | to undergo simple imprisonment for a period of six months and to pay Rs.3,85,000/- as compensation to the complainant u/s. 357(3) of Cr.P.C., in default to undergo a simple imprisonment for two months. |

Aggrieved against the same, the petitioner had filed appeal in C.A.No.246 of 2019 and the learned XX Additional Sessions Judge, Chennai, by order dated 18.02.2021 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. 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 and bail are granted on the following conditions:

(a) The petitioner/accused shall deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of C.C.No.596 of 2016 before the trial Court i.e., the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Allikulam, 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 - I, Egmore, Allikulam, Chennai.

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(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, this Criminal Miscellaneous Petition is ordered.

7. Post the matter on 15.06.2022 "for compliance".

-sd/-  
29/04/2022

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 XX ADDITIONAL SESSIONS JUDGE,  
CHENNAI.

2 THE METROPOLITAN MAGISTRATE,  
FAST TRACK COURT-I, EGMORE, ALLIKULAM,  
CHENNAI.



3 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

4 THE SUPERINTENDENT OF PRISON  
CENTRAL PRISON FOR WOMEN, PUZHAL.

5 THE SECTION OFFICER  
CRIMINAL SECTION  
HIGH COURT, MADRAS.

+1 C.C. to M/S.L.INFANT DINESH Advocate on payment of necessary  
charges SR.NO.6520

Order  
in  
CRL MP.5532/2022  
in  
CRL RC.544/2022

Date :29/04/2022

From 7.2.2001 the Registry is issuing certified  
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JPA 29/04/2022