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Crl.MP.No.18747 of 2022 in Crl.R.C.No.1546 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18747 of 2022

in

Crl.R.C.No.1546 of 2022

Ramya

... Petitioner

Vs.

C.Velusamy

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to suspend substantial sentence to undergo 1 year rigorous imprisonment imposed by the Judicial Magistrate No.VI, Coimbatore in C.C.No.446 of 2017 dated 25.10.2019 as confirmed by the III Additional District and Sessions Judge at Coimbatore in C.A.No.366 of 2019 dated 16.09.2022 and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

For Petitioner

: Mr.T. Gnana Banu



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ORDER

The petitioner, who is accused in C.C.No.446 of 2017 on the file of the Judicial Magistrate Court.VI, Coimbatore, seeks suspension of her sentence of imprisonment.

2. Trial Court, by judgment dated 25.10.2019, convicted the petitioner/accused for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced her to undergo Rigorous Imprisonment for one year and to pay a sum of Rs.7 lakhs as compensation within a period of 3 weeks, in default, to undergo Simple Imprisonment for two months and the same was also confirmed by the lower Appellant Court vide Judgment dated 16.09.2022 in C.A.No.366 of 2019

3. Challenging the conviction and sentence slapped by the Trial Court, which was confirmed by the lower Appellate Court, the petitioner is before this Court.



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4. The learned counsel for the petitioner submitted that there are arguable points in this Revision and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.10,000/- (Rupees ten*



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thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Coimbatore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

12.12.2022
(2/2)

mrp

To

1. The Judicial Magistrate No.VI,
Coimbatore.



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V.SIVAGNANAM, J.,

mrp

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