



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the First day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.752 of 2020 & 4285 of 2022
IN
CRL RC(MD) No.82 of 2020

SAROJA

... PETITIONER/PETITIONER
IN BOTH PETITIONS

Vs

1 RAJATHI

2 STATE REP.BY
PUBLIC PROSECUTOR
DINDIGUL DISTRICT

... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

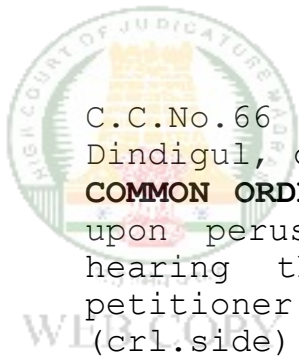
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence in judgment made in Crl.A.NO.37 of 2019 on the file of Sessions Judge, (Fast Track Court), Mahila Judge Dindigul dated 12/11/2019 and set aside the order to convict the petitioner sentence him to undergo six months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- under section 138 of Negotiable Instrument Act and confirming the judgment made in C.C.No.66 of 2014 on the file of the Judicial Magistrate No.II, Dindigul, dated 22.10.2018, pending disposal of the Criminal Revision Petition.

Prayer in CRL MP(MD) . 4285/ 2022 :

To Exempt the petitioner from surrender before the learned Judicial Magistrate No.II Dindigul in Connection with the judgment passed in Cr.A.No.37/2019 on the file of Sessions Judge (Fast Track Court), Dindigul dated 12.11.2019.

Prayer in CRL.RC(MD)No.82 of 2020:

Pleased to call for the records pertaining to Crl.A.No.37 of 2019 on the file of Sessions Judge(Fast Track Court), Mahila Judge, Dindigul dated 12.11.2019 and set aside the order to convict the petitioner sentence him to undergo six months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- under section 138 of Negotiable Instrument Act and confirming the judgment made in



C.C.No.66 of 2014 on the file of the Judicial Magistrate No.II, Dindigul, dated 22.10.2018.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.M.KRISHNAVENI, Advocate for the petitioner in both petitions and of M/s.M.AASHA, Government Advocate (crl.side) on behalf of the 2nd Respondent, the court made the following order:-

Crl.M.P(MD)No.752 of 2020 has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.37 of 2019 on the file of the learned Sessions Judge (Fast Track Court), Dindigul, dated 12.11.2019.

2.Crl.M.P(MD)No.1821 of 2022 has been filed to exempt the petitioner from being surrendered for undergoing judicial custody in connection with conviction and sentence imposed on the petitioner in Crl.A.No.37 of 2019 on the file of the learned Sessions Judge (Fast Track Court), Dindigul, dated 12.11.2019.

3.The respondent lodged a private complaint alleging that the petitioner had committed the offence under Section 138 of the Negotiable Instruments Act and the same was taken on file in C.C.No.66 of 2014 on the file of the learned Judicial Magistrate No.II, Dindigul. The trial Court found the petitioner not guilty under Section 138 of the Negotiable Instruments Act. Aggrieved by the same, the first respondent preferred an appeal in Crl.A.No.37 of 2019 on the file of the learned Sessions Judge (Fast Track Court), Mahila Court, Dindigul and the Appellate Court allowed the appeal and sentenced her to undergo six months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- to the first respondent/complainant. The petitioner has filed the application for suspension of sentence pending disposal of the said appeal.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the second respondent.

5.After conviction by the Appellate Court, the petitioner did not surrender before the trial Court, till today. Therefore, the petitioner is not entitled for the relief of suspension of sentence. Hence, Crl.M.P(MD)No.752 of 2020 is dismissed. In view of the above, exemption petition in Crl.M.P(MD)No.4285 of 2022 is also dismissed.

sd/-
01/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE
(FAST TRACK COURT), MAHILA JUDGE
DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE PUBLIC PROSECUTOR,
DINDIGUL DISTRICT.

ORDER

IN

CRL MP(MD) No.752 of 2020 &
4285 of 2022

IN

CRL RC(MD) No.82 of 2020

Date :01/04/2022

SA/PN/SAR.2/05.04.2022/3P/6C