



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

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

PRESENT

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

CRL MP(MD) No.5660 of 2022

IN

CRL RC(MD) No.428 of 2022

VIJAYKUMARI

... PETITIONER / PETITIONER

Vs

PRADAP

... RESPONDENT / RESPONDENT

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 imposed on the Petitioner in C.C no. 312 of 2016 on the file of the Learned Judicial Magistrate No.V, Trichy dated 20.12.2019 confirmed by the Hon`ble II Additional Distirct Judge, Trichy in Crl A No.8/2020 dated 25.10.2021, pending disposal of the main Criminal Revision Petition.

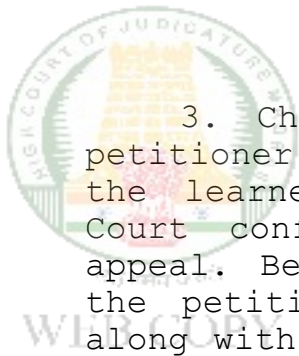
Prayer in CRL RC(MD). 428/ 2022 :

To Call for the records pertaining to the order passed in Crl. A.No.8/2020 on the file of the Honourable II Additional District Judge, Trichy dated 25.10.2021 confirming the Judgment passed in C.C.No.312 of 2016 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.SIVABALAN, Advocate for the petitioner, While admitting the Crl RC., the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner in Crl.A.No.8 of 2020 on the file of the learned II-Additional District Judge, Trichy, dated 25.10.2021, confirming the order passed in C.C.No.312 of 2016 on the file of the learned Judicial Magistrate No.V, Trichy.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and ordered to pay the cheque amount of Rs.3,25,000/-.



3. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.8 of 2020 on the file of the learned II-Additional District Judge, Trichy. The Appellate Court confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the revision petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) within a period of two weeks from the date of receipt of a copy of this order to the credit of C.C.No.312 of 2016 on the file of the learned Judicial Magistrate No.V, Trichy.

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Trichy.

(iii) 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



(iv) The petitioner shall appear before the trial Court once in 15 days (1st and 3rd week of every Monday) 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 of 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.

sd/-
29/04/2022

/ TRUE COPY /

29/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE,
TRICHY.
- 2 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, TRICHY.

+1. C.C. to MR.K.SIVABALAN, Advocate SR.No.4174.

ORDER
IN
CRL MP(MD) No.5660 of 2022
IN
CRL RC(MD) No.428 of 2022
Date :29/04/2022

ps
MK/VR/SAR.III/29.04.2022/3P/6C