



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

Friday, the Fourth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.12658 of 2022

IN

CRL RC(MD)No. 1009 of 2022

G.KALAISELVI

... PETITIONER/PETITIONER

Vs

THIRUVALLUVAN

... 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.A No. 80 of 2019 on the file of the 2nd Additional District Judge, Trichirappalli, dated on 26.07.2022 in C.C No. 176 of 2010 on the file of Judicial Magistrate No.1, Trichy dated on 01.03.2019

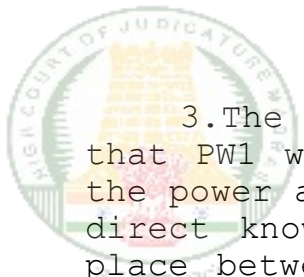
Prayer in CRL RC(MD) . 1009/ 2022 :

To call for the records and set aside the order made in Criminal Appeal No. 80 of 2019 in C.C No. 176 of 2010 on the file of the 2nd Additional District and Sessions Judge, Trichirappalli dated 26.07.2022 in confirming the order made in C.C No. 176 of 2010 on the on the file Judicial Magistrate No.I, Trichirappalli, dated on 01.03.2019.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SUNDAR.R, Advocate for the petitioner, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned II Additional District and Sessions Judge, Tiruchirappalli, in Crl.A.No.80 of 2019, dated 26.07.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Tiruchirappalli, in C.C.No.176 of 2010, dated 01.03.2019, pending disposal of the Criminal Revision.

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 two months simple imprisonment and imposed compensation to pay a sum of Rs.10,00,000/- to the respondent. The appellate Court has confirmed the same.



3.The learned counsel appearing for the petitioner stated that PW1 was examined on the side of the complainant, who is only the power agent of the original complainant and he is not having the direct knowledge about the transaction alleged to have been taken place between the accused and the complainant and he also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

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

5.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on her executing 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 Judicial Magistrate Court No.I, Tiruchirappalli, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

04/11/2022

/ TRUE COPY /

07/11/2022

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE, TRICHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

+1. C.C. to M/S. SUNDAR.R Advocate SR.No.12413 (I)

Date:04/11/2022.

ORDER IN

CRL MP(MD) No.12658 of 2022
IN

CRL RC(MD)No. 1009 of 2022

Date :04/11/2022

TM

SA/SBN/SAR. /08.11.2022/2P/5C

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