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*CrI.MP No.1035 of 2023 in
CrI.R.C..1140 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.MP No.1035 of 2023 in

CrI.R.C.No.1140 of 2022

Kavitha

... Petitioner

Vs.

Malarvizhi Radhakrishnan

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend to suspend the sentence imposed in S.T.C.No.64 of 2018 on the file of the learned Judicial Magistrate No.VI, Salem on 11.02.2019 and confirmed by the judgment in CrI.A.No.49 of 2019 by the I Additional District and Sessions Judge, Salem, dated 04.07.2022 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.J.Prithvi

For Respondent : Mr.S.Rajendrakumar

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.64 of 2018, vide judgement dated 11.02.2019 and confirmed by the judgment in CrI.A.No.49 of 2019 by the I Additional District and Sessions Judge, Salem, dated 04.07.2022, pending disposal of the Criminal Appeal.

2. The petitioner herein is the accused in the above said S.T.C.No.64 of 2018. The learned the Judicial Magistrate No.I, Salem vide judgment dated 11.02.2019 passed in S.T.C.No.64 of 2018, convicted under section 138 of Negotiable Instruments Act and sentenced the petitioner to undergo simple imprisonment for a period of three months and a fine of Rs.5000/- in default of payment of fine to undergo simple imprisonment for a further period of one month and directed to pay the cheque amount of Rs.4,00,000/- as compensation to complainant. The first appellate Court has confirmed the conviction and sentence of the trial Court in CrI.A.No.49 of 2019 by a judgment dated 04.07.2022.



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3. Challenging the conviction and sentence slapped by the Trial Court and confirmed by the first appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that as per the direction of this Court, the petitioner has deposited a sum of Rs.4,00,000/- to the credit of S.T.C.No.64 of 2018 on the file of the Judicial Magistrate VI, Salem. The learned Counsel appearing for the petitioner has also filed a Memo to that effect.

5. Heard the learned counsel for petitioner and the learned counsel appearing for respondent and perused the impugned judgment and the materials on record.

6. Considering the submissions of the learned counsel appearing for the petitioner and that the fact that the petitioner had deposited the cheque amount to the credit of the case in STC.No.64 of 2018, I am inclined to suspend the sentence imposed on the petitioner.



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7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on her ***executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Salem.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned 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 as and when required.

13.03.2023

vrc



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1. The Judicial Magistrate No.VI, Salem
2. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

VRC

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