



Crl. M.P. No.11649 of 2023 in Crl.R.C.No.1382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.11649 of 2023
in Crl.R.C. No.1382 of 2023

1.India Track
Rep. by its Proprietor
R.V.Narmadha
having office at No.D14, Mullai Street,
Brindhavan Nagar, Koyambedu,
Chennai - 107.

2.R.V.Narmadha

...Petitioners

vs.

S.Raghavan

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence imposed on the petitioner by the judgment and order dated 26.07.2018 in C.C.No.464/2016 on the file of Judicial Magistrate, Fast Track Court Magisterial Level, Alandur and judgment dated 07.02.2022 in Criminal Appeal No.39/2018 on the file of the Principal District and Sessions Judge, Chengalpattu and enlarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Mr.G.R.Hari

For Respondent : Mr.K.Chandrasekaran



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the Principal District and Sessions Judge, Chengalpattu in Crl.A.No.39/2018 on 07.02.2022, confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court Magisterial Level, Alandur dated 26.07.2018 in C.C.No.464/2016 and to enlarge the petitioner on bail.

2. The petitioner is the second accused in C.C.No.464/2016 before the learned Judicial Magistrate, Fast Track Court Magisterial Level, Alandur and she was convicted and sentenced on 26.07.2018 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 138 of NI Act.	Simple imprisonment for 1 year and to pay a compensation of Rs.4,81,180/- within a period of 30 days, in default, to undergo simple imprisonment for a period of 60 days.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.39/2018 before the learned Principal District and Sessions Judge, Chengalpattu and the same was dismissed



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vide orders dated 07.02.2022, confirming the judgment passed by the trial court.

4. Now the present petitioners / accused has filed the criminal revision in Crl.R.C.No.1382/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard Mr.G.R.Hari, the learned counsel for the petitioners.

6. Mr.G.R.Hari, the learned counsel for the petitioners contended that the present second petitioner/second accused did not borrow any loan amount and disputed cheque is a forged one and she is ready and willing to furnish substantial sureties for her appearance before any court of law and that she would not abscond and therefore, he prayed for suspension of sentence.

7. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with certain conditions.



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8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court Magisterial Level, Alandur
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioner shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 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.

04.08.2023

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R.HEMALATHA, J.
mtl

To

- 1.The Judicial Magistrate, Fast Track Court Magisterial Level, Alandur.
- 2.The Principal District and Sessions Judge, Chengalpattu.
- 3.The Section Officer, Criminal Section, Madras High Court, Chennai.

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