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Crl.M.P.No.2735 of 2023 in Crl.RC.No.342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2735 of 2023

in

Crl.RC.No.342 of 2023

S.Shanthi,
Proprietrix,
Thirumalai Traders,
No.26/1, Valluvan Street,
Ashok Nagar,
Chennai 600 083

... Petitioner

/vs/

S.Premkumar

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner in order dated 15.12.2022 made in Crl.A.No.15 of 2021 by the Hon'ble XXII Additional City Civil Court, Chennai, confirming the judgment made in C.C.No.65 of 2017 dated 14.12.2020 by the learned F.T.C-I Metropolitan Magistrate Egmore, Chennai and enlarge him on bail, pending disposal of the above Crl.R.C.

For Petitioner ... Mr. T.Anto Chrisbeenjenitha



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in C.C.No.65 of 2017, dated 14.12.2020 passed by the learned Metropolitan Magistrate(F.T.C-1), Egmore, which was confirmed by the XXII Additional Judge, City Civil Court, Chennai, by her judgment in Crl.A.No.15 of 2021 dated 15.12.2022.

2. The trial Court, by its judgment dated 14.12.2020 convicted and sentenced the petitioner/accused as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.138 of NI Act	To undergo SI for three months and to pay a compensation of Rs.14,00,000/- (cheque amount of Rs.10,00,000/- with Rs.4,00,000/-), in default, to undergo six weeks SI.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.65 of 2017, the petitioner preferred Crl.A.No.15 of 2021 before the XXII Additional Judge, City Civil Court, Chennai and the learned Judge, by her judgment dated 15.12.2022, confirmed the conviction and sentence imposed by the trial Court.



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4.Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision case.

6.Head the learned counsel for the petitioner and perused the materials available on record.

7.The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.



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

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- (i) The petitioner shall surrender before the Trial 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 executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the trial Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure her identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

17.03.2023

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To

1. The XXII Additional Judge, City Civil Court, Chennai,
2. The Metropolitan Magistrate Egmore (F.T.C-1), Chennai



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V.SIVAGNANAM, J.

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