



WEB COPY



*Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023

Tamilselvi

... Petitioner

Vs.

1. The Public Prosecutor,
Coimbatore.

2. R.Dhanapal

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed in Crl.Appeal No.56 of 2020 by III Additional District and Sessions Judge, Coimbatore dated 04.11.2022 confirming the order in C.C.No.116 of 2015 on the file of the Fast Track Court Judicial Magistrate Level I, Coimbatore dated 12.12.2019 and enlarged the petitioner on bail pending disposal of this criminal revision case.

For Petitioner : Mr.P.Anbazhagan

For Respondent-1 : Mr.R.Vinothraja, GA(Crl.Side)

ORDER



*Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023*

WEB COPY

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.116 of 2015, vide judgement dated 12.12.2019, which was confirmed by the lower appellate Court in Crl.A.No.56 of 2020, vide judgement dated 04.11.2022, pending disposal of the Criminal Revision Petition.

2.The learned Judicial Magistrate Level I, Fast Track Court No.I, Coimbatore, vide judgment dated 12.12.2019 passed in C.C.No.116 of 2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced her to undergo 6 months simple imprisonment and to pay the amount of Rs.4,00,000/- as compensation under Section 357 (3) of Cr.P.C. to the complainant within 2 months from the date of the judgment, failing which, to undergo default sentence of 2 months imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.56 of 2020 on the file of the III Additional District and Sessions Judge, Coimbatore and the learned III Additional District and Sessions Judge, Coimbatore, vide judgment dated 04.11.2022, confirmed the judgment



*Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023*

WEB COPY of the trial Court.

3.Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that the judgment of the Courts below are contrary to law, weight of evidence and probabilities of the case. He further submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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

6.Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view



Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023

WEB COPY

that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Judicial Magistrate, Fast Track Court-I @ Magisterial Level, Coimbatore, 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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court-I @ Magisterial Level, Coimbatore.***

(ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the concerned Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

30.03.2023

Index: Yes/No
Internet: Yes/No
srn
To



*Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023*

WEB COPY

1. The III Additional District and Sessions Judge, Coimbatore

2. The Fast Track Court Judicial Magistrate Level I, Coimbatore



WEB COPY



*Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023*

V.SIVAGNANAM, J.

srn

**Crl.M.P.No.4399 of 2023 in
Crl.RC No.595 of 2023**

**30.03.2023
(2/2)**