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Crl.M.P.No.5260 of 2023 in Crl.RC.No.682 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5260 of 2023
in Crl.RC.No.682 of 2023

M.Sundaravadivu

... Petitioner

/vs/

E.Ramasamy

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(i) of Cr.P.C., to suspend the execution of sentence in C.A.No.96 of 2022 dated 07.03.2023 wherein the Principal Sessions Judge, Tiruppur, Tiruppur District has confirmed the conviction and sentence imposed by the learned Judicial Magistrate (Fast Track Court) Tiruppur, Tiruppur District in S.T.C.No.1614 of 2019 enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner ... Mr. A.D.Ganeshamoorthi

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate (Fast Track Court) Tiruppur in S.T.C.No.1614 of 2019, vide judgement dated 29.06.2022,



which was confirmed by the learned Principal Sessions Judge, Tiruppur in Crl.A.No.96 of 2022, vide judgement dated 07.03.2023, pending disposal of the Criminal Revision Petition.

2. The trial Court, by its judgment dated 29.06.2022 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 six months and to pay a compensation of Rs.2,00,000/-, in default, to undergo one month SI.

3. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.96 of 2022 on the file of the Principal Sessions Court at Tiruppur and the learned Principal Sessions Judge, Tiruppur, vide judgment dated 07.03.2023, confirmed the judgment of the trial Court.



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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.Heard 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:

- (i) 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) to the satisfaction of the learned Judicial Magistrate (Fast Track Court) Tiruppur, Tiruppur District.
- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of her Aadhaar card or Bank pass Book to ensure his identity; and;
- (iii) Petitioner shall appear before the trial Court as and when required.

18.04.2023

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To

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1. The Principal Sessions Judge, Tiruppur, Tiruppur District
2. The Judicial Magistrate (Fast Track Court) Tiruppur, Tiruppur District.
3. The Superintendent, Special Prison for Women at Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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