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Crl.M.P.No.5990 of 2023 in Crl.RC.No.774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5990 of 2023

in

Crl.RC.No.774 of 2023

P. Sinthia Prabha

... Petitioner

/vs/

A. Jacquin Mary

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397 (1) of Cr.P.C., to suspend the sentence imposed on the petitioner by the judgment in C.C.No.178 of 2017, dated 24.02.2020 on the file of Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore as confirmed in Criminal Appeal No.157 of 2020 dated 19.01.2023 on the file of the I Additional District and Sessions Judge, Coimbatore in convicting the petitioner under section 138 of the Negotiable Instruments Act and sentencing her to undergo 6 months simple imprisonment and to pay a sum of Rs.7,60,000/- as compensation pending disposal of the above Criminal Revision Petition and enlarge the petitioner on bail.

For Petitioner

... Mr. V. Vijayashankar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 24.02.2020 in C.C.No.178 of 2017 on the file of Judicial Magistrate Fast



Track Court No.1 @ ML, Coimbatore, which was confirmed by the I Additional District and Sessions Judge, Coimbatore by the judgment dated 19.01.2023 in C.A.No.157 of 2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner/sole accused was convicted and sentenced by the trial court on 24.02.2020 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.7,60,000/- to the complainant within a period of 2 months from the date of judgment, in default, to undergo imprisonment for 2 months.

Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner preferred Criminal Appeal in Crl.A.No.157 of 2020 before the I Additional District and Sessions Judge, Coimbatore, who, by judgment dated 19.01.2023, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present Crl.R.C. along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner submitted that the judgments



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of the trial court and lower appellate court are contrary to law, weight of evidence and probabilities of the case. He further submitted 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.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. 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.

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

- (i) The petitioner shall surrender before the Judicial Magistrate Fast Track Court No.1 @ ML, 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 executing an own bond for a sum of



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Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the above said Court.

- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the above said Court may obtain a copy of Aadhaar card or Bank pass Book to ensure the identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

27.04.2023

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To

1. The Judicial Magistrate Fast Track Court No.1 @ ML, Coimbatore.
2. The I Additional District and Sessions Judge, Coimbatore.

V.SIVAGNANAM, J.



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