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Crl.M.P.No.5769 of 2023 in Crl.RC.No.743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5769 of 2023

in

Crl.RC.No.743 of 2023

Kalpana

.. Petitioner

/vs/

Pasupathy

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) r/w.439(1) of Cr.P.C., to suspend the sentence and grant bail to the petitioner in judgment passed in C.A.No.09 of 2022, dated 17.03.2023 by the Principal District and Sessions Judge at Dharmapuri, Dharmapuri District, by confirming the order passed in C.C.No.53 of 2019, dated 27.12.2021 on the file of the Judicial Magistrate, Fast Track Court (M.L.), Dharmapuri.

For Petitioner ... Mr. K. Gandhi Kumar

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 27.12.2021 in C.C.No.53 of 2019, on the file of Judicial Magistrate, Fast Track Court (M.L.), Dharmapuri, which was confirmed by the judgment of Principal District and Sessions Judge, Dharmapuri, Dharmapuri District in



C.A.No.09 of 2022, dated 17.03.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner, who is sole accused in C.C.No.53 of 2019 was convicted and sentenced by the trial court on 27.12.2021 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 five months and to pay a compensation of Rs.4,50,000/- being the cheque amount to the complainant within a period of two months from the date of judgment, in default, to undergo further imprisonment for one month.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, he preferred Criminal Appeal in Crl.A.No.09 of 2022 before the Principal District and Sessions Court, Dharmapuri, who by the judgment dated 17.03.2023, 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.



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

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

6. 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.

7. 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 (M.L), Dharmapuri within two weeks from the date of receipt of a copy of this order and



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on such surrender, the petitioner is ordered to be released on bail on executing an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the abovesaid Court.

- (ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the abovesaid 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.

25.04.2023

msr

To

1. The Principal District and Sessions Judge, Dharmapuri.
2. The Judicial Magistrate Fast Track Court (M.L.), Dharmapuri.



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V.SIVAGNANAM, J.

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