



Crl.M.P.No.6283 of 2023 in Crl.RC.No.819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.6283 of 2023

in

Crl.RC.No.819 of 2023

Gomathi

... Petitioner

/vs/

C. Alli

... Respondent

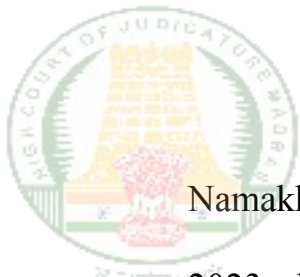
Prayer : Criminal Miscellaneous Petition filed under sections 397 (1) and 439 of Cr.P.C., to suspend the sentence imposed in C.C.No.657 of 2020 on the file of Judicial Magistrate No.I, Namakkal, dated 12.12.2022, confirmed by the judgment made in C.A.No.2 of 2023 (on the file of Special Court for Trial of Cases registered under SC/ST(POA) Act, Namakkal), dated 05.04.2023.

For Petitioner

... Mr.C.S.Saravanan

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment passed against the petitioner in C.C.No.657 of 2020, dated 12.12.2022 by the Judicial Magistrate No.I,



Namakkal, which was confirmed by the judgment passed in C.A.No.2 of 2023, dated 05.04.2023 by the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner, who was the sole accused in C.C.No.657 of 2020 was convicted and sentenced by the trial court 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 two years;
		she was also ordered to pay dishonoured cheque amount of Rs.6,00,000/- as compensation to the complainant.

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal in C.A.No.2 of 2023, dated 05.04.2023. Challenging the above conviction and sentence, the petitioner has filed 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 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 Petition.

4. Heard the learned counsel appearing for the petitioner and perused the impugned order and entire material evidence 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 No.I, Namakkal District, 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 an own bond for a sum of Rs.10,000/-



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(Rupees ten thousand only) to the satisfaction of the above said court.

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

01.06.2023

msr

To

1. The Special Court for Trial of Cases
Registered under SC/ST (POA) Act,
Namakkal
2. The Judicial Magistrate No.1,
Namakkal.



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V.SIVAGNANAM, J.

msr

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