



Crl.MP No.5751 of 2023 in
Crl.R.C.No.737 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.5751 of 2023

in

Crl.R.C.No.737 of 2023

Pappa @ Dhanalakshmi

... Petitioner

Vs.

State Represented by
The Inspector of Police,
E.O.W-II(H.Q),
Chennai 600 039

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397 and 401 of Cr.P.C. to suspend the execution of the sentence dated 23.03.2023 passed in C.A.No.35 of 2022 passed against the revision petitioner by the XXI Additional Sessions Judge at Chennai, confirming the judgment and modifying the sentence in C.C.No.1032 of 2013 on the file of the Chief Metropolitan Magistrate at Egmore dated 01.02.2022 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.



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For Petitioner : Mr.T.Pachamuthu
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Chief Metropolitan Magistrate, Egmore in C.C.No.1032 of 2013, vide judgement dated 01.02.2022, which was modified by the learned XXI Additional Sessions Judge at Chennai in Crl.A.No.35 of 2022, vide judgement dated 23.03.2023, pending disposal of the Criminal Revision Petition.

2.The learned Chief Metropolitan Magistrate, Egmore, by judgment dated 01.02.2022 in C.C.No.1032 of 2013 convicted and sentenced the petitioner as extracted hereunder.



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Rank of the accused	Conviction under Section	Sentence
Accused-1	409 of I.P.C	The accused-1 shall undergo simple Imprisonment for 3 years and to pay a fine of Rs.10,000/-, in default, to undergo simple Imprisonment for 3 months.
Accused-1	420 of I.P.C	The accused-1 shall undergo simple Imprisonment for 3 years and to pay a fine of Rs.10,000/-, in default, to undergo simple Imprisonment for 3 months.
Accused-1	76 of Chit Funds Act	The accused-1 shall undergo simple Imprisonment for 2 years and to pay a fine of Rs.5,000/-, in default, to undergo simple Imprisonment for 3 months.
Order of compensation U/s.357(3) Cr.P.C to pay Rs.43,16,625/- to the subscribers within a period of 2 months in default to undergo simple imprisonment for a period of 6 months.		

3.Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.35 of 2022 on the file of the XXI Additional



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WEB COPY Sessions Judge at Chennai, and the learned XXI Additional District and Sessions Judge, Chennai, vide judgment dated 23.03.2023, modified the judgment of the trial Court and sentenced the petitioner as follows:

Rank of the accused	Conviction under Section	Sentence
Accused-1	409 of I.P.C	The accused-1 shall undergo simple Imprisonment for 2 years and to pay a fine of Rs.10,000/-, in default, to undergo simple Imprisonment for 6 months.
Accused-1	420 of I.P.C	The accused-1 shall undergo simple Imprisonment for 2 years and to pay a fine of Rs.10,000/-, in default, to undergo simple Imprisonment for 6 months.
Accused-1	76 of Chit Funds Act	The accused-1 shall undergo simple Imprisonment for 2 years and to pay a fine of Rs.5,000/-, in default, to undergo simple Imprisonment for 2 months.
Order of compensation U/s.357(3) Cr.P.C to pay Rs.43,16,625/- to the subscribers within a period of 3 months in default to undergo simple imprisonment for a period of 4 months.		



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

5.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 Revision and the petitioner has every chance to succeed in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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



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WEB COPY 7.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 that the petitioner is entitled to the relief of suspension of sentence.

8.Accordingly, it is ordered as follows:

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Chief Metropolitan Magistrate, Egmore.*

(ii)The petitioner and her sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

25.04.2023
(1/2)

srn

To

1. The XXI Additional Sessions Judge, Chennai.
2. The Chief Metropolitan Magistrate, Egmore
3. The Inspector of Police, E.O.W-II(H.Q), Chennai 600 039
4. The Superintendent, Central Prison, Puzhal
5. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,
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