



Crl MP No.6913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P.No. 6913 of 2023
in Crl.RC.No.874 of 2023

C.Poongothai

.. Petitioner/Petitioner

Versus

Indhrani

.. Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.123/2017 on the file of the learned Judicial Magistrate No.6, Coimbatore dated 25.10.2019 and to enlarge the petitioner on bail.

For Petitioner : Mr.M.Purushothaman



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.123/2017 on the file of the learned Judicial Magistrate No.6, Coimbatore dated 25.10.2019 and to enlarge the petitioner on bail pending disposal of the above criminal revision.

2. The petitioner is the sole accused in C.C.No.123 of 2017 on the file of the learned Judicial Magistrate No.6, Coimbatore. She was convicted of the offence under Section 138 of Negotiable Instruments Act, 1881 and was sentenced to undergo one year rigorous imprisonment and to pay the cheque amount as compensation of Rs.4,50,000/- under Section 357 (3) of CrPC within a period of three months, in default to undergo two months simple imprisonment. Aggrieved over the same, the petitioner has filed the present criminal revision.



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3. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant may be suspended and they may be enlarged on bail. Further, the learned counsel for the petitioner submitted that the petitioner/appellant is ready to pay 25% of the compensation amount to the credit of C.C.No.123/2017 on the file of learned Judicial Magistrate No.6, Coimbatore.

4. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and further the revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions:

(a) The petitioner shall surrender before the concerned Court within two weeks from the date of receipt of a copy of this Order and deposit 25% of the compensation amount to the



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credit of C.C.No.123/2017 on the file of learned
Judicial Magistrate No.6, Coimbatore.

(b) On such deposit, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.6, Coimbatore.

(b)The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

11.05.2023

dhk

Note: Issue Order Copy on 12.05.2023



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SUNDER MOHAN, J

dhk

To

1.The Judicial Magistrate No.6
Coimbatore

2.The Public Prosecutor,
High Court of Madras,
Chennai

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