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Crl.M.P.No.7853 of 2023 in Crl.RC.No.973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.7853 of 2023
in Crl.RC.No.973 of 2023

Gomathi ... Petitioner
/vs/

K.Rokendran .. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) r/w 439 of Cr.P.C., to suspend the sentence imposed in C.C.No.43 of 2021 on the file of the Judicial Magistrate No.I, Namakkal dated 09.12.2022 confirmed by the judgment made in C.A.No.3 of 2023 (on the file of Special Court for Trial of Cases registered under SC/ST(POA) Act, Namakkal dated 20.04.2023 pending disposal of criminal revision petition.

For Petitioner ... Mr.C.S.Saravanan

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Namakkal in C.C.No.43 of 2021, vide judgement dated 09.12.2022, which was



confirmed by the Special Court for Trial of Cases registered under SC/ST(POA) Act in Crl.A.No.03 of 2023, vide judgement dated 20.04.2023, pending disposal of the Criminal Revision Case.

2. The trial Court, by its judgment dated 09.12.2022 convicted and sentenced the petitioner/accused 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 2 years and to pay a compensation of Rs.6,00,000/-

3 Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.03 of 2023 on the file of the Special Court for Trial of Cases registered under SC/ST(POA) Act and the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, vide judgment dated 20.04.2023, confirmed the judgment of the trial Court.



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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 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 case.

6.Head the learned counsel for the petitioner and perused the materials available on record.

7.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.

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

- (i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Judicial Magistrate-I, Namakkal 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 a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate-I, Namakkal.
- (ii) The petitioner and the sureties shall affix her photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

13.06.2023

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To

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



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V.SIVAGNANAM, J.

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