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CrI.M.P.No.13369 of 2022 in CrI.R.C.No.1220 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.13369 of 2022 in
CrI.R.C.No.1220 of 2022

Sivagami

... Petitioner

Vs.

K.Srinivasan

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Criminal Procedure Code to suspend the sentence imposed in the judgment dated 25.07.2022 passed by the learned Additional District (Fast Track Court), Mettur in C.A.No.35 of 2021 by confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Mettur in C.C.No.191 of 2018 under Section 138 of Negotiable Instruments Act, sentencing the petitioner to undergo 1 year Simple Imprisonment and to pay the cheque amount Rs.4,00,000/- as compensation to the complainant in default 6 months Simple Imprisonment and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner : Mr.J.Prithivi

For Respondent : Mr.K.M.Kumaresh Kumar



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ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.191/2018, vide judgement dated 19.03.2021, which was confirmed by the first appellate Court in Crl.A.No.35/2021, vide judgment dated 25.07.2022, pending disposal of the Criminal Revision Petition.

2. The learned learned Judicial Magistrate No.I, Mettur, by judgment dated 19.03.2021 in C.C.No.191/2018, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a sum of Rs.4,00,000/- as compensation under Section 357(3) of Cr.P.C. to the complainant within a period of 2 months from 19.03.2021, in default simple imprisonment for 6 months. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.35/2021, which was also confirmed by the learned Additional District (Fast Track Court), Mettur, vide judgment dated 25.07.2022.

3. Challenging the conviction and sentence slapped by the Trial



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Court and the first Appellate Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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

6. 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.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such



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surrender, the petitioner is ordered to be released on bail on her
*executing own bond for a sum of Rs.10,000/- (Rupees ten thousand
 only) to the satisfaction of the learned Judicial Magistrate No.I,
 Mettur.*

(ii) The petitioner shall affix her photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity.

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

09.02.2023

Index: Yes/No
Internet: Yes/No
rpl

To

- 1.The Additional District (Fast Track Court), Mettur.
2. The Judicial Magistrate No.I, Mettur.



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V.SIVAGNANAM, J.

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