



Crl. M.P. No.11390 of 2023
in Crl.R.C.No.1366 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

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in Crl.R.C. No.1366 of 2023

1.Shree Velavan Garments
Rep. by its Proprietor V.Vijayalakshmi,
Madavi Street (Near APS Mahal),
Punjai Puliampatti,
Sathyamangalam Taluk,
Erode District.

2.Vijayalakshmi

...Petitioners

vs.

A.Varatharaj

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence in the judgment dated 05.07.2023 made in C.A.No.242 of 2022 on the file of the learned III Additional District and Sessions Court, Erode at Gobichettipalayam confirming the judgment dated 18.11.2022 made in C.C.No.39 of 2018 on the file of the learned Judicial Magistrate, Sathyamangalam and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioners : Mr.N.Manoharan



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned III Additional District and Sessions Court, Erode at Gobichettipalayam in C.A.No.242/2022 on 05.07.2023, confirming the conviction and sentence passed by the learned Judicial Magistrate, Sathyamangalam dated 18.11.2022 made in C.C.No.39/2018 and to enlarge the petitioner on bail.

2. The petitioner is the second accused in C.C.No.39/2018 before the learned Judicial Magistrate, Sathyamangalam and she was convicted and sentenced on 18.11.2022 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1	Section 138 of NI Act.	Simple imprisonment for three months and to pay a compensation of Rs.2,70,000/- within a period of three months, in default, to undergo simple imprisonment for a period of one month.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in C.A.No.242/2022 before the III Additional District and Sessions Court, Erode at Gobichettipalayam and the same



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was dismissed vide orders dated 05.07.2023, confirming the judgment passed by the trial court.

4. Now the present petitioners / accused has filed the criminal revision in Crl.R.C.No.1366/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Heard Mr.N.Manoharan, the learned counsel for the petitioners.

6.Mr.N.Manoharan, the learned counsel for the petitioners contended that the present second petitioner has fair chance to prove her innocence and succeed in the Criminal Revision and therefore and prayed for suspending the sentence till the conclusion of this Revision.

7. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with certain conditions.

8. Accordingly, this criminal miscellaneous petition stands



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allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners on the following conditions:

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Sathyamangalam.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioners shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

04.08.2023

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R.HEMALATHA, J.
mtl

To

- 1.The Judicial Magistrate, Sathyamangalam.
- 2.The III Additional District and Sessions Court, Erode at Gobichettipalayam.
- 3.The Section Officer, Criminal Section, Madras High Court, Chennai.

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