



Crl. M.P. No.14980 of 2023
in Crl.R.C.No.1608 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

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

Crl.M.P.No.14980 of 2023
in Crl.R.C. No.1608 of 2023

J.Rani
Managing Trustee
WEHEAD TRUST
Thiyaki Street, Anna Nagar
Batlagundu, Dindugul District

...Petitioner

vs.

M/s. Micro Finance Development Initiatives of India
Rep. by A. Murugan (Accounts Officer)
No.60, Officers Colony,
3rd Street, Mehta Nagar, Chennai 600 029
Chennai District.

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 18.07.2023 in Crl.A.No.41/2020 on the file of learned XXII Additional Judge, City Civil Court, Chennai, confirming the conviction and sentence made in the judgment dated 08.01.2020 passed in C.C.No.4439/2011 on the file learned Metropolitan Magistrate (Fast



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For Petitioner : Mr.R. Radha Pandian

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the execution of sentence passed in Crl.A.No.41/2020, dated 18.07.2023, on the file of learned XXII Additional Judge, City Civil Court, Chennai, confirming the conviction and sentence passed in C.C.No.4439/2011, dated 08.01.2020, on the file learned Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai, and to enlarge the petitioner on bail.

2. The petitioner is the accused in C.C.No.4439/2011 before the Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai, and she was convicted and sentenced on 08.01.2020 as detailed hereunder:



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<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 138 of N.I.Act	Simple imprisonment for one year and a compensation of Rs.6,90,400/- to the complainant within one month, in default, to undergo simple imprisonment for three months.

3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.41/2020 before the learned XXII Additional Judge, City Civil Court, Chennai, and the same was dismissed vide orders dated 18.07.2023, confirming the judgment passed by the trial court.

4. Now the present petitioner/accused filed the criminal revision in Crl.R.C.No.1608/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.R. Radha Pandian, learned counsel for the petitioner contended that the revision petitioner has already paid a sum of Rs.1,90,000/- to the respondent/complainant and now she is willing to



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pay a sum of Rs.2,50,000/- (50% of the balance amount) to the complaint and prayed for suspending the sentence till the conclusion of this Revision.

6. 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 the following conditions :

- i. The petitioner is directed to deposit a sum of Rs.2,50,000/- (50% of the balance compensation amount) to the credit of C.C.No.4439/2011 on the file of the learned Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai, within a period of two weeks from date of this order.
- ii. The petitioner shall thereafter execute a bond for a sum of Rs.50,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai.
- iii. 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



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- iv. The petitioner shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision 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 her absence, as directed by the trial Court.
- v. The trial court judge can permit the accused to execute the bond as mentioned in condition (ii) only after the compliance of condition (i) by the accused.

21.09.2023

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To

1. The XXII Additional Judge, City Civil Court, Chennai..
2. The Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai,



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R.HEMALATHA, J.
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