



Crl. M.P. No.14846 of 2023
in Crl.R.C.No.1599 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

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

Crl.M.P.No.14846 of 2023
in Crl.R.C. No.1599 of 2023

S. Sunitha

...Petitioner

vs.

B. Mukundan

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code 1973 to suspend the sentence made in judgment dated 23.01.2021 in Crl.A.No.141/2018 on the file of learned V Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence made in the judgment dated 15.03.2018 in C.C.No.448/2015 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Magisterial Level, Coimbatore, and to enlarge the petitioner on bail, pending disposal of the revision petition.

For Petitioner : Mr.H. Rajasekar



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ORDER

This criminal miscellaneous petition has been filed seeking to suspend the execution of sentence passed in Crl.A.No.141/2018 dated 23.01.2021, on the file of learned V Additional District and Sessions Judge, Coimbatore, in and by which the conviction and sentence passed in C.C.No.448/2015, dated 15.03.2018, on the file of the learned Judicial Magistrate, Fast Track Court No.I, Magisterial Level, Coimbatore, was confirmed and to enlarge the petitioner on bail.

2. The petitioner is the accused in C.C.No.448/2015 before the learned Judicial Magistrate, Fast Track Court No.I, Magisterial level, Coimbatore and she was convicted and sentenced on 15.03.2018 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 138 of N.I.Act	Simple imprisonment for six months and a compensation of Rs.2,50,000/-, in default, to undergo simple imprisonment for two months.



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3. Aggrieved over the judgment passed by the trial court, the accused filed an appeal in Crl.A.No.141/2018 before the learned V Additional District & Sessions Judge, Coimbatore, and the same was dismissed vide orders dated 23.01.2021, confirming the judgment passed by the trial court.

4. Now the revision petitioner/accused filed the criminal revision in Crl.R.C.No.1599/2023 along with this present criminal miscellaneous petition seeking suspension of sentence.

5. Mr.H. Rajasekar, learned counsel for the revision petitioner contended that the revision petitioner is a lady aged about 43 years and she has to take care of her family and that she is willing to deposit a sum of Rs.1,25,000/- (50% of the compensation amount) to the credit of C.C.No.448/2015 before the learned Judicial Magistrate, Fast Track Court No.I, Magisterial level, Coimbatore. He, therefore, prayed for suspending the sentence till the conclusion of this Revision.



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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.1,25,000/- (50% of the compensation amount) to the credit of C.C.No.448/2015 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Magisterial level, Coimbatore.
- 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 Judicial Magistrate, Fast Track Court No.I, Magisterial level, Coimbatore.
- 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
- 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



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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.

20.09.2023

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bga

To

1. The V Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate, Fast Track Court No.I,
Magisterial level, Coimbatore.
3. The Superintendent of Prison
Central Prison (Women), Coimbatore.



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R.HEMALATHA, J.
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