



Crl.M.P.No.325 of 2023 in Crl.Rc No.56 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.325 of 2023 in
Crl.RC No.56 of 2023

Mythili

... Petitioner

Vs.

Manimegalai

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(i) of Criminal Procedure Code to suspend the sentence imposed on the petitioner in Crl.A.No.7 of 2021 by the III Additional District and Sessions Judge, Erode at Gopichettipalayam dated 08.07.2022, confirming the conviction and sentence imposed by the judgment made in STC No.951/2018 by the Judicial Magistrate No.1, Gopichettipalayam, dated 27.11.2020, pending revision.

For Petitioner

: Mr.B.Kumarasamy

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in STC No.951/2018, vide judgement dated 27.11.2020, which was confirmed by the first appellate Court in Crl.A.No.7/2021, vide judgment dated 08.07.2022, pending disposal of the



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Criminal Revision Petition.

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2. The learned Judicial Magistrate No.1, Gopichettipalayam, by judgment dated 27.11.2020 passed in STC No.951/2018, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonments and to pay compensation of Rs.5,00,000/-, that is the amount due upon the instrument under Section 357 of Cr.P.C. to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.7/2021, which was also confirmed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam, vide judgment dated 08.07.2022.

3. Challenging the conviction and sentence slapped by the Trial 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.



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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 surrender, the petitioner is ordered to be released on bail on her *executing a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate No.1, Gopichettipalayam.*

(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.



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

10.01.2023

(1/3)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The III Additional District and Sessions Judge, Erode, Gopichettipalayam.
2. The Judicial Magistrate No.1, Gopichettipalayam.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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