



Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.20144 of 2022

in

Crl.R.C.No.1720 of 2022

G.Subhashini

... Petitioner

Vs.

M.Dhanalakshmi

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the execution of sentence dated 11.11.2022 passed in C.A.No.295 of 2016 against the revision petitioner by the learned VII Additional District & Sessions Judge, Chennai confirming the judgment and sentence in C.C.No.300 of 2015 on the file of the learned Metropolitan Magistrate Fast Track Court-IV, George Town, Chennai dated 02.11.2016 and enlarge the petitioner/accused on bail pending disposal of the above Criminal Revision Petition.

For Petitioner

: Mr.K.Madhan



Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022

ORDER

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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Metropolitan Magistrate Fast Track Court-IV, George Town, Chennai, in C.C.No.300 of 2015 vide judgment dated 02.11.2016, which was confirmed by the VII Additional District and Sessions Court, Chennai, in Crl.A.No.295 of 2016, vide judgment dated 11.11.2022, pending disposal of the Criminal Revision Petition.

2. The Trial Court, by judgment dated 02.11.2016 in C.C.No.300 of 2015, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo three months simple imprisonment and to pay a sum of Rs.2,50,000/- as compensation under Section 357(3) of Cr.P.C., to the complainant. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.295 of 2016, which was also confirmed by the first appellate Court vide judgment dated 11.11.2022.



Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022

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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 case and hence, prayed for suspension of sentence.

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

6. Taking into consideration of the above submission of the learned counsel for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Case, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022

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 *executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate Fast Track Court-IV, George Town, Chennai.*

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

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

03.01.2023

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To

The Metropolitan Magistrate Fast Track Court-IV, George Town, Chennai.

4 of 6



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Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022



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Crl.M.P.No.20144 of 2022 in Crl.R.C.No.1720 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.20144 of 2022
in
Crl.R.C.No.1720 of 2022

03.01.2023