



Crl.M.P.No.16 of 2023 in Crl.Rc No.2 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.16 of 2023 in
Crl.RC No.2 of 2023

R.Parimala

... Petitioner

Vs.

Alfred Stephen

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) r/w 439 of Criminal Procedure Code to suspend the sentence imposed in the judgment dated 05.07.2022 made in C.A.No.356 of 2019 on the file of the III Additional District and Sessions Judge, Coimbatore, confirming the conviction imposed in the judgment dated 01.10.2019 made in C.C.No.3 of 2015 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level-1, Coimbatore and enlarge the petitioner on bail, pending disposal of the Revision petition.

For Petitioner

: Mr.A.Saranraj



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.3/2015, vide judgement dated 01.10.2019, which was confirmed by the first appellate Court in Crl.A.No.356/2019, vide judgment dated 05.07.2022, pending disposal of the Criminal Revision Petition.

2. The learned Judicial Magistrate, Fast Track Court-1 at Magistrate Level, Coimbatore, by judgment dated 01.10.2019 in C.C.No.3/2015, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a sum of Rs.6,50,000/- 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.356/2019, which was also confirmed by the learned III Additional District and Sessions Judge, Coimbatore, vide judgment dated 05.07.2022.

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



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arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

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 own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court-1,Coimbatore.***

(ii) The petitioner shall affix her photograph and Left Thumb



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Impression in the bond and the Trial Court may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity.

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

04.01.2023

(1/3)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The III Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court No.1 at Magistrate Level, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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