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Crl.R.C.No.1120 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.1120 of 2018

R.Maheswari

W/o.S.A.Ramasamy

... Petitioner/Appellant/Accused

Vs.

S.Ranganathan

S/o.G.K.Samiappan

... Respondent/Respondent/Complainant

Prayer : Criminal Revision filed u/s.397 and 401 of the Code of Criminal Procedure against the judgment and order of the II Additional District Judge, Erode, passed in C.A.No.181 of 2017, dated 29.08.2018.

For Petitioner : Mr.C.S.Saravanan

ORDER

This criminal revision case has been filed against the judgment and order passed by the II Additional District Judge, Erode, passed in C.A.No.181 of 2017, dated 29.08.2018, confirming the judgment and order passed by the Judicial Magistrate, Fast Track Court I, Erode, in



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S.T.C.No.189 of 2016, dated 11.05.2017, convicting the petitioner for offence u/s.138 of the Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and to pay compensation of a sum of Rs.6,00,000/-, in default, to undergo one month simple imprisonment.

2. While filing this criminal revision case, the petitioner filed Crl.M.P.No.13060 of 2018 seeking suspension of sentence. This Court passed an order on 04.10.2018 and for proper appreciation, the relevant portions in the order are extracted hereunder:

"2. The learned counsel for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that after conviction, the petitioner was remanded to prison as early as on 26.09.2018 and would further submit that the petitioner is now confined in Central Prison, Coimbatore.

3. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the



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period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a 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 Judicial Magistrate (FTC No.1), Erode, and on further condition that, the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of S.T.C.No.189 of 2016 on the file of the Judicial Magistrate (FTC No.1), Erode and that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision."

3. It is clear from the above order that the petitioner was remanded to prison on 26.09.2018 and the petitioner was directed to deposit a sum of Rs.3,00,000/- as a condition precedent for being enlarged on bail.

4. Learned counsel for petitioner submitted that the petitioner was not able to deposit the amount and in view of the same, the petitioner had

N. ANAND VENKATESH, J



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suffered the entire sentence that was imposed by the trial Court and as confirmed by the appellate Court.

5. In the light of the above development, there is no necessity to deal with this criminal revision case on merits since the petitioner has already undergone the entire sentence.

Accordingly, this Criminal Revision Case is closed.

06.04.2023

Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The II Additional District Judge,
Erode.
- 2.The Judicial Magistrate,
Fast Track Court I, Erode.

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