



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty First day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2967 of 2023

IN

CRL.R.C.(MD) No.208 of 2023

KALAIVANI

... PETITIONER/APPELLANT/ACCUSED (SOLE)

Vs

RENUKA

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the Petitioner on bail by suspending the sentence imposed by the Fast Track Court(Magisterial Level), Pattukottai, Thanjavur District in STC.No.89 of 2019 vide its order dt.20.3.2020 which was confirmed by the III-Additional District Judge.

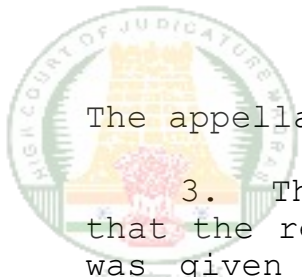
PRAYER IN CRL.R.C.(MD) No.208 of 2023:-

To call for the entire records pertaining to the Judgment dt.16.9.2022 passed by the III Additional District Judge, Thanjavur at Pattukottai in CA.No.44 of 2021 confirming the Judgment dt.20.3.2020 passed by the FTC(Magisterial Level), Pattukottai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.DHILIPAN PANDIAN R.L., Advocate for the petitioner the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned Additional District Judge, Thanjavur @ Pattukkottai, in C.A.No.44 of 2021, dated 16.09.2022, in confirming the conviction and sentence imposed by the Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, in S.T.C.No.89 of 2019 dated 20.03.2020, pending disposal of the Criminal Revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced to undergo one year S.I., and to pay the compensation amount of Rs.3,38,500/- within a period of one month from the date of the judgment, in default to undergo three months S.I.



The appellate Court has confirmed the judgment of trial Court

3. The learned counsel appearing for the petitioner submitted that the revision has been preferred on the ground that instruction was given by this petitioner has been wrongly understood by the learned counsel for the petitioner on record and withdrew the appeal itself and it is not permissible under law. Suspension petition was filed on behalf of the petitioner before the appellate Court and some condition has been imposed but that condition could not be complied by the petitioner. So, the revision petitioner is instructed the learned counsel on record to not press the suspension petition, but by mistake, the appeal has been stated to be withdrawn. On the limited ground, this revision is admitted. The petitioner has been taken into custody in possession of the above said order.

4. Considering the submission of the learned counsel for the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing 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 Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
21/02/2023

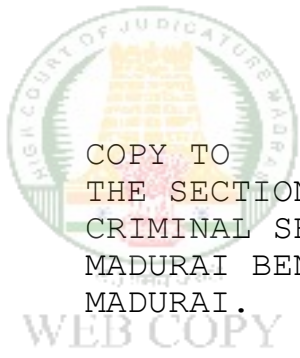
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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDGE, FAST TRACK COURT (MAGISTERIAL LEVEL),
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



CRL MP(MD)



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COPY TO
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.2967 of 2023
IN
CRL.R.C. (MD) No.208 of 2023
Date :21/02/2023

NA/VS/SAR-2/23.02.2023/3P/4C