



CRL MP(MD) No.13066 of 2023

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

Friday, the Fifteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.13066 of 2023

in

CRL RC(MD)No. 1010 of 2023

MUMTAJ BEGAM

... PETITIONER/PETITIONER

Vs

BOSE

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed by the Crl.A.(MD)No.9 of 2021 dated 06.07.2023 on the file of Honble Principal Sessions Court,Sivagangai in C.C.No.13 of 2019 on the file of the Fast Track Court (Magisterial Level) Karaikudi dated 24.03.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petitioner.

Prayer in CRL RC(MD). 1010/ 2023 :

To call for the records relating to the order passed in Crl.A.(MD)No.9 of 2021 dated 06.07.2023 on the file of Honble Principal Sessions Court,Sivagangai in confirming the conviction and sentence passed in C.C.No.13 of 2019 on the file of the Fast track court (Magisterial Level), Karaikudi dated 24.03.2021 to set aside the same

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEYAPRAKASH.C, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-



CRL MP(MD) No.13066 of 2023

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This petition is filed to suspend the sentence imposed by the learned Principal Session Judge, Sivagangai, in C.A.No.9 of 2021 dated 06.07.2022, by confirming the judgment rendered by the Fast Track Court (Magisterial Level), Karaikudi, in C.C.No.13 of 2019, dated 24.03.2021, pending disposal of the main Revision.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the Fast Track Court (Magisterial Level), Karaikudi for the offence punishable under Section 138 of the Negotiable Instruments Act, and imposed to pay a fine of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand Only) in default, to undergo 3 months simple imprisonment. Challenging the same, the petitioner herein filed Crl.A.No.9 of 2021, before the learned Principal Sessions Judge, Sivagangai, the same was dismissed on 06.07.2023. Aggrieved over the same, he filed the Criminal Revision Case, along with this present Criminal Miscellaneous Petition before this Court.

3. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge have not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. It is pertinent to state that she has already deposited 25% of the compensation amount before the trial Court. Now, the petitioner is ready to pay a sum of Rs.25,000/- to show her bona fide. Hence, he



CRL MP(MD) No.13066 of 2023

seeks for the suspension of sentence.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5. Considering the fact that the petitioner has already deposited 25% of the compensation amount before the trial Court. Now, the petitioner is ready to deposit a sum of Rs.25,000/- and as rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision and since there was no antecedent against the petitioner, this Court is inclined to grant suspension of sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner shall deposit a sum of Rs.25,000/- of the compensation amount to the credit of C.C.No.13 of 2019, on the file of the Fast Track Court (Magisterial Level), Karaikudi, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically be dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;



CRL MP(MD) No.13066 of 2023

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ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Fast Track Court(Magisterial Level), Karaikudi;

(iii) 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; and

(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) The learned trial Judge is hereby directed to deposit the said amount in any one of the Nationalized Bank in interest bearing account.

sd/-
15/09/2023

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/09 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN

TO
1 THE PRINCIPAL SESSIONS JUDGE
SIVAGANGAI.

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.13066 of 2023

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2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARAIKUDI.

3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

COPY TO

THE SECTION OFFICER,(CALL FOR RECORDS)
CRIMINAL RECORDS
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.13066 of 2023
in
CRL RC(MD)No. 1010 of 2023
Date :15/09/2023

PKP/VRS/SAR- /22.09.2023/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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