



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.Nos.8055 and 8056 of 2024
in Crl.RC.No.965 of 2024

R.Hemavathy

...Petitioner in both petitions

Vs.

P.Narayanan

...Respondent in both petitions

Prayer in Crl.M.P.No.8055 of 2024: Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code praying to suspend the sentence in C.A.No.41 of 2019 dated 06.10.2023 passed by the learned Principal Sessions Judge, Krishnagiri, by confirming the judgment in S.T.C.No.70 of 2017 dated 13.08.2019 passed by the learned Judicial Magistrate, Fast Track Court, Hosur and release the petitioner on bail, pending disposal of the criminal revision petition.

Prayer in Crl.M.P.No.8056 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to grant exemption to the petitioner from surrendering before the learned Judicial Magistrate, Fast Track Court, Hosur, pursuant to the judgment in C.A.No.41 of 2019 dated 06.10.2023 passed by the learned Principal Sessions Judge,



Krishnagiri, by confirming the judgment in S.T.C.No.70 of 2017 dated 13.08.2019 passed by the learned Judicial Magistrate, Fast Track Court, Hosur.

In both petitions

For Petitioner : Mr.A.Balamurugan

COMMON ORDER

Crl.M.P.No.8055 of 2024 has been filed to suspend the sentence imposed on the petitioner vide judgment dated 06.10.2023 passed in C.A.No.41 of 2019 by the learned Principal Sessions Judge, Krishnagiri, confirming the judgment dated 13.08.2019 passed in S.T.C.No.70 of 2017 by the learned Judicial Magistrate, Fast Track Court, Hosur.

2. Crl.M.P.No.8056 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned Judicial Magistrate, Fast Track Court, Hosur, pursuant to the judgment in C.A.No.41 of 2019 dated 06.10.2023 passed by the learned Principal Sessions Judge, Krishnagiri, confirming the judgment in S.T.C.No.70 of 2017 dated 13.08.2019 passed by the learned Judicial Magistrate, Fast Track Court, Hosur.



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3. The revision petitioner was convicted for the offence under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.4,70,000/- to the respondent, vide judgment dated 13.08.2019 made in S.T.C.No.70 of 2017, which, appeal was confirmed by the Appellate Court in C.A.No.41 of 2019 vide judgment dated 06.10.2023 by the learned Principal Sessions Judge, Krishnagiri. Aggrieved by the same, the revision case has been filed along with the present petitions.

4. The learned counsel for the petitioner would submit that the petitioner has already deposited 20% of the cheque amount and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest the present petitions for suspension of sentence and exempting the petitioner from surrendering before the Court below are filed and the petitioner is not in jail.

5. 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



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hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit 30% of the cheque amount to the credit of S.T.C.No.70 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur, within a period of two weeks from the date of receipt of a copy of this order.

7. CrI.MP.No.8055 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, CrI.MP.No.8056 of 2024 is dismissed.

11.06.2024
(1/2)

ssb

Note: Issue order copy on 12.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

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To

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1. The learned Judicial Magistrate, Fast Track Court, Hosur.
2. The learned Principal Sessions Judge, Krishnagiri.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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