



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

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

Crl.M.P.No.7398 of 2024
in Crl.RC.No.817 of 2024

R.Jayanthi

...Petitioner

Vs.

K.Yasodha

...Respondent

Criminal Miscellaneous Petition filed under Section 397 (1) of Criminal Procedure Code praying to suspend the sentence of imprisonment imposed on the petitioner herein dated 07.04.2017 made in CC.No.984 of 2013 on the file of the Judicial Magistrate, Tambaram and confirmed by the judgment dated 06.02.2024 made in Crl.Appeal No.41 of 2017 on the file of the learned Additional District and Sessions Judge, Chengalpattu till the disposal of the revision.

For Petitioner : Mr.I.Ramu

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner herein dated 07.04.2017 made in CC.No.984 of 2013 on the file of the Judicial Magistrate, Tambaram and confirmed by the judgment dated 06.02.2024 made in Crl.Appeal No.41 of 2017 on the file of the learned Additional District and Sessions Judge, Chengalpattu.



WEB COPY

2. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months rigorous imprisonment and to pay a fine of Rs.5,00,000/- as compensation within a period of three months the same was confirmed by the appellate Court also. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

3. The learned counsel for the appellant submit that there are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay a sum of Rs.2,50,000/- in the credit of the case before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of the fine amount i.e. Rs.2,50,000/- (Rupees Two lakhs fifty thousand only), I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 07.04.2017 made in CC No.984 of 2013 on the file of the learned Judicial Magistrate, Tambaram is



suspended, subject to the following conditions :-

WEB COPY

(a) The petitioner is directed to deposit a sum of Rs.2,50,000/- (Rupees Two lakhs Fifty thousand only) in CC.No.984 of 2013 dated 07.04.2017 on the file of the learned Judicial Magistrate, Tambaram, within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail 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, Tambaram. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Judicial Magistrate, Tambaram, on the first working day of the every English Calendar Month at 10.30 am, until further orders.

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner.



WEB COPY 6.The petition is ordered accordingly.

04.06.2024
(2/2)

rli

Note: Issue order copy on 04.06.2024

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

To

- 1.The Judicial Magistrate, Tambaram.
2. The Additional District and Sessions Judge,
Chengalpattu
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



WEB COPY



M.DHANDAPANI, J.

rli

Crl.M.P.No.7398 of 2024
in Crl.RC.No.817 of 2024

04.06.2024