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Crl.M.P.No.11082 of 2024 In Crl.R.C.No.1266 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.11082 of 2024

In

Crl.R.C.No.1266 of 2024

G.Revathi

... Petitioner

Vs.

P.Appamani

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) r/w 439 of Criminal Procedure Code praying to suspend the sentence of imposed on them in C.C.No.99 of 2016 dated 24.08.2022 passed by the learned Judicial Magistrate, Fast Track Court, Dharmapuri till disposal of the above numbered main revision petition and enlarge the petitioner on bail.

For Petitioner : Mr.T.Naveen Chandar

For Respondent : Mr.N.Manoharan

O R D E R

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 24.08.2022 passed by



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the learned Judicial Magistrate, Fast Track Court, Dharmapuri in C.C.No.99 of 2016 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for one year each and to pay the cheque amount of Rs.9,00,000/- as compensation to the complainant within two weeks in default to undergo simple imprisonment for a further period of six months each by the learned Judicial Magistrate, Fast Track Court, Dharmapuri under judgment dated 24.08.2022 in C.C.No.99 of 2016. The conviction and sentence imposed by the trial Court was confirmed by the learned Additional District and Sessions Judge, Dharmapuri, under judgment in Crl.A.No.20 of 2022 dated 18.10.2023. Hence, the petitioner seeks suspension of sentence.

3.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 the petitioner is now confined in Central Prison,



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(Women) Coimbatore.

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4.Heard the submissions of the learned counsel appearing for the respondent.

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 hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner deposits the 50% cheque amount of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand Only) within a period of two weeks from the date of receipt of a copy of this order to the credit of C.C.No.99 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Dharmapuri, failing which, the suspension of substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference

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to this Court and on further 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, Fast Track Court, Dharmapuri and on further condition that the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

7.This criminal miscellaneous petition is ordered accordingly.

01.08.2024

pri

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

To

- 1.The Judicial Magistrate,
Fast Track Court,
Dharmapuri.
- 2.The Central Prison (Women),
Coimbatore
- 3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI,J.

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