



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM:

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

Crl.M.P.No.7584 of 2024
in Crl.RC.No.877 of 2024

R.Jayanthi

...Petitioner

Vs.

M.Vasuki

...Respondent

Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence of the petitioner to undergo one year simple imprisonment and to pay a sum of Rs.4,80,000/- as compensation in default to undergo three months simple imprisonment imposed by judgment dated 03.11.2018 passed by the learned Judicial Magistrate No.II, Pollachi, in S.T.C.No.1869 of 2016 which was confirmed by judgment dated 29.06.2022 passed by the learned III Additional District and Sessions Judge, Coimbatore, in C.A.No.504 of 2018, pending disposal of the criminal revision petition.

For Petitioner : Mr.L.Mouli



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 29.06.2022 passed in C.A.No.504 of 2018 by the learned III Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 03.11.2018 passed in S.T.C.No.1869 of 2016 by the learned Judicial Magistrate No.II, Pollachi, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of one year and to pay the cheque amount of Rs.4,80,000/-, in default, to undergo simple imprisonment of three months, vide judgment dated 03.11.2018 passed in S.T.C.No.1869 of 2016, against which, appeal was filed in C.A.No.504 of 2018 before the learned III Additional District and Sessions Judge, Coimbatore, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.



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3. The learned counsel for the revision petitioner submitted that 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 petition for suspension of sentence is filed.

4. 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, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the revision petitioner shall deposit a sum of Rs.2,40,000/-(Rupees Two Lakhs Forty Thousand only) to the credit of S.T.C.No.1869 of 2016 on the file of the learned Judicial Magistrate No.II, Pollachi, within a period of two weeks from the date of receipt of a copy of this order.



6. This Criminal Miscellaneous Petition is ordered accordingly.

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07.06.2024
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ssb

Note: Issue order copy on 11.06.2024

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



To
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1. The learned III Additional District and Sessions Judge, Coimbatore.
2. The learned Judicial Magistrate No.II, Pollachi.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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(1/2)