



Crl.M.P. No. 18317 of 2024

in

Crl.R.C. No. 2381 of 2024

SUNDER MOHAN, J.

This miscellaneous petition has been listed under the caption “For Clarification”.

2. Heard the learned counsel for the petitioner.

3. Conditions (i) and (ii) imposed vide order dated 20.12.2024

while granting suspension of sentence stand modified as hereunder:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner pays 25% of the cheque amount, i.e. Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) to the respondent directly within a period of four weeks from the date of receipt of a copy of this order.

(ii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the



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satisfaction of the trial court. The Trial Court shall accept the bond and sureties subject to proof of payment of 25% of the cheque amount.

4. All other conditions remain intact.
5. Registry shall incorporate the necessary corrections as stated above and issue fresh order copy forthwith.
6. The order dated 20.12.2024 is clarified accordingly.

21.12.2024

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Crl.M.P. No. 18317 of 2024
in
Crl.R.C. No. 2381 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18317 of 2024

in

Crl.R.C.No.2381 of 2024

S.Bhuvaneswari

... Petitioner /Accused

Vs.

Rojarani

...Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 438(1) of BNSS, praying to suspend the sentence of imprisonment imposed in the judgment dated 17.10.2019 in C.A.No.36 of 2019 by the III Additional District and Sessions Judge, Salem confirming the conviction imposed in the judgment dated 18.09.2018 in S.T.C.No.415 of 2018 on the file of the Special Judicial Magistrate (FAC), Special Court for Land Grabbing, Salem and enlarge the petitioner on bail pending disposal of the Criminal Revision.

For Petitioner : Mr.S.Conscious Ilango



ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 17.10.2019 in C.A.No.36 of 2019 by the learned III Additional District and Sessions Judge, Salem confirming the conviction imposed in the judgment dated 18.09.2018 in S.T.C.No.415 of 2018 on the file of the Special Judicial Magistrate (FAC), Special Court for Land Grabbing Cases, Salem and enlarge the petitioner on bail pending disposal of the Criminal Revision.

2.The case of the respondent is that towards discharge of liability the petitioner had issued a cheque for a sum of Rs.5,60,000/-; that when the cheque was presented for collection, it was returned with an endorsement as “payment stopped by drawer” and that inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for petitioner would submit that pursuant to the judgment of the Appellate Court, the petitioner was arrested on 23.10.2024; that the petitioner has raised substantial grounds in the above revision, which requires consideration; that the petitioner had undergone



half of the sentence imposed; that the petitioner is willing to deposit 25% of the cheque amount to show her bonafides and prayed for granting suspension of sentence to the petitioner.

4. Heard the learned counsel for the petitioner and perused the records.

5. Considering the fact that the petitioner has raised substantial grounds, which requires consideration; that the petitioner is in custody from 23.10.2024 and the submission made by the petitioner that she is willing to deposit 25% of the cheque amount, this Court is inclined to grant suspension of sentence to the petitioner, on the following conditions, till the disposal of the above Criminal Revision :

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 25% of the cheque amount, i.e. Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) to the credit of S.T.C.No.415 of 2018 on the file of the learned Special Judicial Magistrate (FAC), Special Court for Land Grabbing Cases, Salem within a period of four weeks from the date of receipt of a copy of this order.



(ii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on her executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial court.

(iii) The petitioner and 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 and mobile numbers to ensure their identity;

(iv) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if she is not able to appear before the Trial Court on that day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of her absence as directed by the Trial Court.

(v) On the failure of the petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.



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20.12.2024
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Upload the order copy forthwith.

To

1. The Special Judicial Magistrate (FAC),
Special Court for Land Grabbing Cases,
Salem.
2. The III Additional District and Sessions Judge,
Salem.
3. The Superintendent,
Special Prison for Women
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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