



Crl.M.P.(MD)No.2315 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Crl.M.P.(MD)No.2315 of 2024

in

Crl.R.C(MD) No.203 of 2024

CHRISTY

... PETITIONER/PETITIONER/
APPELLANT/ ACCUSED

Vs

MARIA VISUWASA PAULIN

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Pass an order to Suspend the Sentence as imposed on the file of the Learned III Additional District and Sessions Judge Tirunelveli Tirunelvlei District dt 16.11.2023 made in C.A.No.15/2023 confirming the order of conviction and sentence as imposed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District made in C.C.No.39 of 2015 dated 13.12.2022, pending disposal of the above Criminal Revision Petition.

Prayer in CRL.RC[MD]No.203 of 2024:

To set aside the order of conviction and sentence as confirmed by the Hon'ble III Additional District and Sessions Judge, Tirunelveli, Tirunelveli District dated 16.11.2023 made in C.A.No.15 of 2023 on the order of conviction and sentence as imposed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District on the Petitioner in C.C.No.39 of 2015 dated 13.12.2022 forthwith.



Crl.M.P.(MD)No.2315 of 2024

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.PALANIVELAYUTHAM, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against her by the learned Judicial Magistrate, Valliyoor, Tirunelveli District, in C.C.No.39 of 2015 dated 13.12.2022 as confirmed by the learned III Additional District and Sessions Judge, Tirunelveli, Tirunelveli District, in Criminal Appeal No.15 of 2023 on 16.11.2023 and to enlarge her on bail, pending disposal of the Criminal Revision Case.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Valliyoor, Tirunelveli District, for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months Rigorous Imprisonment and the petitioner shall pay the total compensation of Rs.16,00,000/- with 9% interest payable to the complainant within two months as from 26.12.2014, in default of payment, the petitioner is sentenced to undergo two months rigorous imprisonment. The learned III Additional District and Sessions Judge, Tirunelveli, Tirunelveli District, dismissed the appeal filed by the petitioner, in Crl.A.No.15 of 2023. Challenging the concurrent findings of the Courts



Crl.M.P.(MD)No.2315 of 2024

below, the petitioner has preferred the present Criminal Revision along with the
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above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that there are some arguable points involved in the criminal revision and she is ready to deposit 50% of the cheque amount before the trial Court and he prays for suspension of sentence.

4. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

5. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Sessions Judge, Tirunelveli, Tirunelveli District, in Crl.A.No.15 of 2023 dated 16.11.2023 alone is suspended subject to the following conditions:-



Crl.M.P.(MD)No.2315 of 2024

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i) The petitioner is directed to deposit 50% of the cheque amount before the trial Court within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically be dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli District;

iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, she shall appear on the next working day.

v) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Judicial Magistrate, Valliyoor, Tirunelveli District;

vi) The learned Magistrate is hereby directed to disburse the deposited amount to the defacto complainant, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from him. In the event of petitioner succeeding in



Crl.M.P.(MD)No.2315 of 2024

the case, the amount will be refunded to the petitioner.

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7. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
26/02/2024

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/03/2024

Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT,

2.THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT;

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-2432[I] dated 27/02/2024)

ORDER
IN
Crl.M.P.(MD)No.2315 of 2024
in
Crl.R.C(MD) No.203 of 2024
Date :26/02/2024

RK/VR (01/03/2024) 5P / 5C

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