



CRL MP(MD) No.10201 of 2024

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

Thursday, the Twenty Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.10201 of 2024  
in  
CRL RC(MD) No.925 of 2024

JAYASHEELA

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE,  
COMMERCIAL CRIME INVESTIGATION WING (CCIW),  
NAGERCOIL,  
(CRIME NO. 4/93)

... Respondent / Respondent

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in C.A No. 112 of 2003 dt. 25.07.2024 on the file of Mahila Fast track Court, Nagercoil confirming the judgment passed in C.C No. 12 of 1995 dt. 08.08.2003 on the file of the learned Judicial Magistrate No.2, Tirunelveli and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

Prayer in CRL RC(MD). 925/ 2024 :

To pass an order to call for the records and set aside the Judgment passed in C.A No. 112 of 2003 dt. 25.07.2024 on the file of the Mahila Fast Track Court, Nagercoil confirming the Judgment passed in C.C No. 12 of 1995 dt. 08.08.2003 on the file of the learned Judicial Magistrate No.2, Tirunelveli and allow the criminal revision petition.



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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 M/S.SIVAKUMAR.S, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner/third accused by the learned Judicial Magistrate No.2, Tirunelveli, in C.C.No.12 of 1995, dated 08.08.2003, which was confirmed by the learned Sessions Judge, Mahila Fast Track Court, Nagercoil in C.A.No.112 of 2003, dated 25.07.2024.

2. The case of the prosecution is that the petitioner/third accused along with other accused had misappropriated the Society amount by creating bogus document. Hence, FIR came to be registered in Crime No.4 of 1993.

3. The respondent, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.12 of 1995 and the same was pending on the file of the Judicial Magistrate No.2, Tirunelveli.

4. The learned counsel appearing for the petitioner would submit that the trial Court has convicted the petitioner for the offences under Sections 120(B), 467(15 numbers), 471(15 numbers), 477(A)(15 numbers) and 408(15 numbers) IPC and sentenced her to undergo one year rigorous imprisonment each and to pay a fine of Rs.6,100/-, in default, to undergo three months rigorous imprisonment.



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5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.112 of 2023 on the file of the Mahila Fast Track Court, Nagercoil. The learned Sessions Judge by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is aged 70 years and is suffering from old age ailments and that the petitioner has paid the fine amount.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material



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particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and taking note of the age of the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute 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 No.2, Tirunelveli;

(ii) 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 to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the



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trial Court on any other day in lieu of the date of her absence, as  
directed by the trial Court.

sd/-  
26/09/2024

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/10/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CSM

To

1.The Sessions Judge,  
Mahila Fast Track Court, Nagercoil.

2.The Judicial Magistrate No.II,  
Tirunelveli.

3.Do through the Chief Judicial Magistrate,  
Tirunelveli District.

4.The Inspector of Police,  
Commercial Crime Investigate Wing (CCIW),  
Nagercoil.

5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SIVAKUMAR, Advocate ( SR-11804[I] dated 26/09/2024 )



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ORDER  
IN  
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in  
CRL RC(MD) No.925 of 2024  
Date :26/09/2024

ED/ MMS /SAR- (22/10/2024) 6P / 7C

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