



CRL MP(MD) No.745 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.745 of 2024

in

CRL RC(MD) No.56 of 2024

A.BABY

... PETITIONER/PETITIONER

Vs

K.VIJAYARANI

... 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 enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner in S.T.C.No.581 of 2015 on the file of the Learned Judicial Magistrate Padmanabhapuram, Kanyakumari District dt.04.11.2017 which had been confirmed in Crl.A.No.171 of 2017 on the file of the Additional District Sessions Judge, Padmanabhapuram, Kanyakumari District by Judgment dated 03.11.2023 pending disposal of the main Criminal Revision Petition.

Prayer in CRL RC(MD). 56/ 2024 :

To call for the records and set aside the Judgment dt.03.11.2023 passed in Crl.A.No.171 of 2017 on the file of the Learned Additional District Sessions Judge, Padmanabhapuram, Kanyakumari District confirming the conviction and sentence imposed upon the Petitioner in S.T.C.No.581 of 2015 on the file of the Learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District dated 04.11.2017 and ACQUIT the Petitioner.

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

<https://www.mhc.tn.gov.in/judis>



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M/S.SURESH KANNAN.C, 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, Padmanabhapuram, Kanyakumrai District, in STC.No.581 of 2015 dated 04.11.2017 as confirmed by the learned Additional District Sessions Judge, Padmanabhapuram, Kanyakumrai District, in Criminal Appeal No.171 of 2017 on 03.11.2023 and to enlarge her on bail, pending disposal of the Criminal Revision Petition.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Padmanabhapuram, Kanyakumrai District, for the offence under Section 138 r/w 142 of the Negotiable Instruments Act and sentenced her to undergo six months Simple Imprisonment and the accused shall pay the total compensation of Rs.1,50,000/- payable to the complainant. The learned Additional District Sessions Judge, Padmanabhapuram, Kanyakumrai District, dismissed the appeal filed by the petitioner, in Crl.A.No.171 of 2017. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision along with the 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



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50% of the cheque amount before the trial Court and hence, he prays for suspension of sentence.

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4.This Court has carefully considered the submission made by the learned 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 Additional District Sessions Judge, Padmanabhapuram, Kanyakumrai District, in Crl.A.No.171 of 2017 dated 03.11.2023 alone is suspended subject to the following conditions:-

(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 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 her 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 Judicial Magistrate,



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Padmanabhapuram, Kanyakumrai District;

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(iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Padmanabhapuram, Kanyakumrai District, on the first working day of every English calender 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 her residential address and mobile number to the Trial Court ie., learned Judicial Magistrate, Padmanabhapuram, Kanyakumrai 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 her. In the event of petitioner succeeding in the case, the amount will be refunded to the petitioner.

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

sd/-

29/01/2024

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/02/2024

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



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TO

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1 THE ADDITIONAL DISTRICT SESSIONS JUDGE, PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

2 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-1158[I] dated 30/01/2024)

ORDER IN
CRL MP(MD) No.745 of 2024
in
CRL RC(MD) No.56 of 2024
Date :29/01/2024

RS/JGB/SAR-(01.02.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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