



WEB COPY

CRL MP NO. 1164 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 1164 of 2025

IN

CRL RC NO. 104 OF 2025

SASIKALA

W/o.Rajagopal, D/o.Velraj, Door No.6/485, Maduraiveeranputhur,
Pothupatti, Periyapatti Post, Namakkal Town And District.

Appellant(s)

Vs

KANGAVALLI

W/o. Selvam, Door No 1/10a, Fire Service Station Backside ,
Periyapatti Post, Namakkal Town And District

Respondent(s)

For Appellant(s):

Mr.P.Palaninathan For S.Joseph Gunasekar

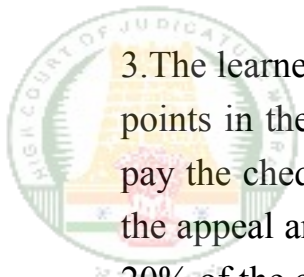
For Respondent(s):

Mr.S.Udayakumar Govt Advocate (crl Side)

ORDER

The case of the respondent is that towards discharge of her liability, the petitioner issued a cheque for Rs.4,00,000/-; that when the said cheques were presented for collection, it was returned for the reason “Funds insufficient” and inspite of statutory notice, petitioner did not make any payment.

2.The petitioner in C.C.No.667 of 2021 was convicted by the Trial Court vide judgment dated 13.04.2022 for the offences under Sections 138 of Negotiable Instruments Act, and sentenced to undergo one year S.I. and to pay the cheque amount of Rs.4,00,000/- as compensation within two months. Aggrieved by the same, she filed Crl.R.C.No.104 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence.



3.The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision, which requires consideration; that the petitioner is unable to pay the cheque amount; that the petitioner had deposited Rs.80,000/- during the pendency of the appeal and that to show his bonafides she is willing to deposit a further sum equivalent to 20% of the cheque amount and prayed for suspension of sentence.

WEB COPY

4.Considering, the fact that the petitioner has raised substantial grounds in the above revision which requires consideration, that the petitioner had deposited 20% of the cheque amount to the credit of C.C.No.667 of 2021 and she is willing to deposit a further sum equivalent to 20%, this Court is inclined to suspend the sentence.

5.Accordingly, the Criminal Miscellaneous Petition is allowed and the sentence imposed upon the petitioner/accused by the trial Court, is suspended and the petitioner is exempted from surrendering before the trial Court on the following conditions:

(i) The petitioner shall deposit 20% of the cheque amount i.e., Rs.80,000/- [Rupees Eighty Thousand only), to the credit of C.C.No.667 of 2021 on the file of the learned Additional Mahila Judge, Namakkal, within a period of four (4) weeks from the date of receipt of a copy of this order;

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(iii) 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/- (Rupees Ten Thousand) with two sureties each for a likesum to the satisfaction of the learned Additional Mahila Judge, Namakkal.

(iv) 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;

(v) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if he is not able



to appear before the trial Court on any day, he shall make arrangements an application under Section 317 Cr.P.C. and shall appear before the trial on any other day in lieu of the date of his absence, as directed by the trial Court; and

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

**27-01-2025
(2/2)**

kas

To

1.The Additional Mahila Judge
Namakkal

2.The Public Prosecutor,
High Court, Madras.

SUNDAR MOHAN, J.



WEB COPY



**CRL MP NO. 1164 of 2025
IN CRL RC NO. 104 OF 2025**

27.01.2025

(2/2)