



*Crl.M.P.Nos.1408 & 1409 of 2025
in Crl.R.C.No.185 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.1408 & 1409 of 2025

in

Crl.R.C.No.185 of 2025

S.Sasikala
Proprietric Of Keerthi Enterprises, New No.6 Old
No.2, Venkateswara Colony, 6th Street,
Madhavaram Milk Colony, Chennai - 600 051.

Petitioner (s)

Vs

V.Gopinath
No.10/23, Durga Tages Flats, State Bank Of
Colony, Perambur, Chennai - 600 011.

Respondent(s)

For Appellant(s):

Mr.S.Arunkumar

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner by a judgment dated 21.09.2023 made in C.C.No.1509 of 2018 on the file of learned Metroplitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, which



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was confirmed by the learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.596 of 2023 dated 30.12.2024 and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued two cheques for a total sum of Rs.80,000/-; that when the cheques were presented for collection it was dishonoured for the reason “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in C.C.No.1509 of 2018 was convicted by the Trial Court by the judgment dated 21.09.2023 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and directed her to pay the cheque amount



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of Rs.80,000/-. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.596 of 2023 before the learned I Additional Sessions Judge, City Civil Court, Chennai. The learned Sessions Judge, by the judgment dated 30.12.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, she filed Crl.R.C.No.185 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4.The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision, which requires consideration. He would further submit that the petitioner had already deposited 20% of the cheque amount during the pendency of the appeal and that to show her bonafides, the petitioner is willing to deposit 30% of the cheque amount and prayed for granting suspension of sentence to the petitioner.



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records.

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

6. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and the submission made by the petitioner that she has already deposited 20% of the cheque amount and she is willing to deposit 30% of the cheque amount of Rs.24,000/-, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, 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 30% of the cheque amount, i.e. Rs.24,000/- (Rupees Twenty Four thousand only) to the credit of C.C.No.1509 of 2018 on the file of learned Metroplitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, within a period of four weeks from the date of receipt of a copy of this order;



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(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/- with two sureties, each for a likesum to the satisfaction of the trial court;

(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;



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(v) 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;

(vi) 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

30.01.2025
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To

- 1.The I Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The Metroplitan Magistrate,
Fast Track Court No.II, Egmore @ Allikulam,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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