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Crl.MP.No.12419 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.12419 of 2025

in

Crl.RC.No.919 of 2025

Sobana

...Petitioner

Vs.

Raju

... Respondent

PRAYER:

Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C./438(1) of BNSS, praying to suspend the execution of sentence dated 02.01.2025 made in CA.No.113 of 2024 by II Additional District Sessions Judge, Tiruchengode, confirmed by conviction and sentence passed by Judicial Magistrate, Fast Track Court, Tiruchengode dated 29.05.2024 made in STC.No.198 of 2017 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner : Mr.K.V.Muthu Visakan



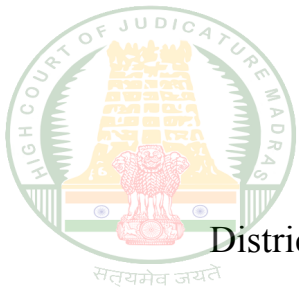
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ORDER

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This Criminal Miscellaneous Petition has been filed praying to suspend the execution of sentence dated 02.01.2025 made in CA.No.113 of 2024 by II Additional District Sessions Judge, Tiruchengode, confirming the conviction and sentence passed by Judicial Magistrate, Fast Track Court, Tiruchengode dated 29.05.2024 made in STC.No.198 of 2017 and to enlarge the petitioner on bail pending disposal of the above criminal revision petition.

2. The petitioner herein is the accused in STC.No.198 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruchengode. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she has been convicted and sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.2,00,000/- to the complainant under Section 357(3) Cr.P.C., in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month. Aggrieved by the same, the petitioners had filed appeal in CA.No.113 of 2024 and the II Additional



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District Sessions Judge, Tiruchengode, by order dated 02.01.2025, had dismissed the above appeal confirming the judgment and sentence imposed by the Trial Court. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration, this Court is inclined to grant suspension of sentence, on the following conditions, till



the disposal of the above Criminal Revision:

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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit **Rs.1,80,000/- (Rupees One lakh and Eighty Thousand only)** to the credit of STC.No.198 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruchengode, within a period of four weeks from today.

(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 his executing a bond for a sum of Rs.25,000/- 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



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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 English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 355 of BNSS, 2023 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.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.II Additional District Sessions Judge, Tiruchengode
2.Judicial Magistrate, Fast Track Court, Tiruchengode

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in
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