



Crl.M.P.Nos.430 and 431 of 2025
in Crl.R.C.No.61 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.430 and 431 of 2025
in Crl.R.C.No.61 of 2025

Ms.Arokiya Selvi

...Petitioner in both Crl.M.Ps

Vs

Selvaraj

...Respondent in both Crl.M.Ps

PRAYER in Crl.M.P.No.430 of 2025: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, praying to suspend the sentence upon the petitioner by the learned Principal District and Sessions Judge, Kallakurichi, in Crl.A.No.73 of 2024 dated 30.09.2024 by confirming the Judgment passed by the learned Judicial Magistrate No.1, Ulundurpet, in CC No.127 of 2016 dated 19.07.2024.

PRAYER in Crl.M.P.No.431 of 2025: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, to exempt the petitioner from surrender before the learned Principal District and Sessions Judge, Kallakurichi in Crl.A.No.73 of 2024, dated 19.07.2024.



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For Petitioner in both Crl.M.Ps.(s):

Mr.A.Praveen Kumar

For Respondent (s) :

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/accused by Judgment dated 19.07.2024 passed in CC No.127/2016 by the learned Judicial Magistrate No.1, Uludurpet and confirmed by the Judgment dated 30.09.2024 passed in Crl.A.No.73/2024 by the learned Principal District and Sessions Judge, Kallakurichi and to exempt her from surrendering before the trial Court, pending disposal of the above revision.

2. It is the case of the respondent that towards discharge of her liability, the petitioner had issued a cheque for Rs.2,00,000/- (Rupees Two Lakhs only) and when the said cheque was presented for collection, it was returned for the reason “Funds insufficient” and in spite of statutory notice, the petitioner did not make any payment.



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3. The petitioner was convicted by the trial Court for the offence under Sections 138 and 142 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for one year. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4. Mr.A.Praveen Kumar, the learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision which requires consideration and to show her bonafides, she is willing to deposit 50% of the cheque amount and prayed for suspension of sentence and exemption from surrender.

5. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and since she is willing to deposit 50% of cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner/accused and exempt her from surrendering before the trial Court on certain conditions:



6. Accordingly, these Criminal Miscellaneous Petition are 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 50% of the cheque amount i.e., Rs.1,00,000/- [Rupees One Lakh Only), to the credit of CC.No.127 of 2016 on the file of the learned Judicial Magistrate No.1, Ulundurpet, within a period of four 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 his 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 Judicial Magistrate No.1, Ulundurpet;

(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 every 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 any 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; 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.

20.01.2025

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To

1. The Principal District and Sessions Judge,
Kallakurichi

2. The Judicial Magistrate No.I,
Uludurpet.



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SUNDER MOHAN, J.

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