



Crl.MP Nos.879 & 880 of 2025
in Crl.RC No.98 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

**CRL MP Nos.879 & 880 of 2025
IN CRL RC NO.98 of 2025**

S.A.Lumina
W/o.Mr.Arokiaswamy No.47/147, John Bosco
Saveriyar Street, Pannur Village And Post
Tiruvallur Taluk And District.

Appellant(s)

Vs

M.T.Anthony Raj
S/o.Mr.Thomas, Susaiyappar Street, Pannur
Village And Post Tiruvallur Taluk And District.

Respondent(s)

For Appellant(s): Mr.L.Ramu
For Respondent(s): Mr.Pradeep Jayaraman

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner dated 06.11.2023 in Crl.A No.182 of 2017 on the file of I Additional District Judge at Tiruvallur by confirming the judgment dated 16.11.2017 made in STC No.47 of 2016 on



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the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2. The case of the respondent is that towards discharge of her liability, the petitioner had issued three post dated cheques, totalling to a sum of Rs.15,00,000/- and when the said cheques were presented for collection, they were returned for the reason “funds insufficient” and inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision; that the respondent has failed to establish his capacity to lend a sum of Rs.15,00,000/-; that to show her bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence and exemption from surrendering before the trial court.



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4. Heard the learned counsel for the petitioner as well as respondent and perused the records.

5. Considering the submissions made on either side and considering that the petitioner has raised substantial grounds in the above revision and that the petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the trial court, subject to the following conditions, till the disposal of the above Criminal Revision :

(i) The petitioner/accused is directed to deposit 50% of the cheque amount i.e.,Rs.7,50,000/- [Rupees Seven Lakhs Fifty Thousand only], 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;



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(iii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on her executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur ;

(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 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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.



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SUNDER MOHAN, J.

rgr

To

1.The I Additional District and Sessions Judge,
Thiruvallur.

2.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Tiruvallur.

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