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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
CRR No. 3821 of 2023**

*(KU. SANGEETA MISHRA Vs KANCHAN KALA KENDRA)*

**Dated : 05-10-2023**

*Shri Om Shankar Pandey - Advocate for the applicant.*

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On payment of process fee within seven working days, notice be issued to the respondent. Notice be made returnable within four weeks.

Record of the Courts below be requisitioned.

Heard on I.A. No.20306/2023, which is the first application for suspension of the custodial sentence passed against the applicant and releasing her on bail.

This revision has been filed against the judgment dated 05/08/2023 passed by XVI Additional Sessions Judge, Jabalpur (M.P.) in Criminal Appeal No.17/2017, whereby learned ASJ affirmed the judgment of conviction dated 14/12/2016 passed by learned JMFC, Jabalpur in Criminal Case No.5848/2013, whereby learned JMFC found the applicant guilty for the offence punishable under Section 138 of the Negotiable Instrument Act and sentenced her to undergo R.I. for three months and directed to pay compensation of Rs.1,10,000/- to the respondent.

Learned counsel for the applicant submitted that learned trial Court as well as appellate Court without appreciating the evidence properly, wrongly found the applicant guilty for the aforesaid offence. The applicant is a lady aged about 36 years. She has been in custody since 05/08/2023. Hence, prayed for suspension of the jail sentence and release the applicant on bail, since the hearing of this revision will take time.

Looking to the facts and circumstances of the case and the fact that

applicant is a lady, who is in judicial custody since 05/08/2023 and according to listing policy the hearing of this revision will take time, the application is allowed. It is directed that the execution of the jail sentence passed against the applicant shall remain suspended and she be released on bail subject to undertaking that 50% of the compensation amount i.e. Rs.55,000/- (out of which Rs.27,500/- has already been deposited by the applicant), shall be deposited by her within 45 days from the date of her release and on furnishing a personal bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand Only) with a solvent surety in the like amount to the satisfaction of the trial Court for her appearance before the concerned trial Court on 18/12/2023 and on such further dates as may be fixed in this behalf during the pendency of this appeal.

It is made clear that if the applicant fails to deposit the remaining part of compensation amount within the stipulated period, this order shall automatically come to an end and the learned trial Court shall be free to take the applicant into custody and send her to jail to serve the remaining part of jail sentence.

List after four weeks. सत्यमेव जयते

Certified copy as per rules.

**(ROOPESH CHANDRA VARSHNEY)**  
**JUDGE**