

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-10-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1059 of 2015

and

M.P. No. 1 of 2015

R.Saravanan ... Petitioner /Petitioner/Appellant/
Accused.

Versus
T.V.Madavan ... Respondent/Respondent/Respondent/
Complainant

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. against the order passed by the learned Principal Session Judge, Vellore, Vellore District, in Cr.M.P.No.3107 of 2015 in C.A.No.43 of 2015, dated 14.09.2015.

For Petitioner : Mr.S.Gunaseelan

ORDER

The petitioner/accused stood charged for the offence under Section 138 of the Negotiable Instruments Act. After trial in S.T.C. No.701 of 2013, by judgement dated 31.07.2015, the petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for one year and also to pay a compensation of Rs.16,00,000/-, in default to undergo six months simple imprisonment, by the learned Judicial Magistrate No.I at Tirupatthur. The Trial Court suspended the sentence for month from the date of judgment. As against the judgment of conviction and sentence imposed on the petitioner, he has filed an appeal in CrI.A. No. 43 of 2015 on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District. Pending appeal, the petitioner has filed a petition in Cr.M.P.No.3107 of 2015 seeking suspension of sentence. The Appellate Court, by order dated 14.09.2015, granted suspension of sentence, pending disposal of the appeal, however with a stringent condition directing the petitioner to deposit 1/4th of the compensation amount i.e., Rs.4,00,000/- before the Trial Court. As against the same, the present Criminal Revision Case is filed.

2. Though, initially, Mr.S.Gunaseelan, learned counsel for the petitioner argued the matter on merits, thereafter, he confined his argument to the effect that the petitioner is prepared to deposit 1/4th of the compensation amount i.e., Rs.4,00,000/- before the Trial

Court, as directed by the Appellate Court, but, he only seeks some time to deposit the amount.

3. Heard the learned counsel for the petitioner. By his consent, the main Criminal Revision Case itself is taken up for final disposal at the stage of admission itself.

4. This Court taking into consideration of the fact that the petitioner/ accused is prepared to deposit 1/4th of the compensation amount i.e., Rs.4,00,000/- before the Trial Court, as directed by the Appellate Court while granting suspension on 14.09.2015, but, he only seeks some time to deposit the compensation amount as ordered by the Appellate Court, the petitioner is granted eight weeks time from the date of receipt of a copy of this order to deposit 1/4th of the compensation amount i.e., Rs.4,00,000/- to the credit of S.T.C.No.701 of 2013 on the file of the Judicial Magistrate No.I, Tirupatthur, failing which, the suspension granted by the Appellate Court shall stand revoked. Except the time granted for depositing the amount before the Trial Court, in all other respects the order of the Appellate Court dated 14.09.2015 stands confirmed. This Criminal Revision Case is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

paa

To

1. The Principal Sessions Judge,
Vellore,
Vellore District,

2. The Judicial Magistrat No.I, Thirupathur.

3. -do-Thro'The Chief Judicial Magistrate, Vellore.

+1 cc to Mr.S.Gunaseelan, Advocate, sr.53641

Cr1.R.C. No. 1059 of 2015

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