

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2015

CORAM

THE HON'BLE MR.JUSTICE S. MANIKUMAR

Criminal Revision Petition No.191 of 2015

M.Swathi

.. Petitioner

Vs.

Geetha

.. Respondent

Prayer:- Petition filed under Section 397 r/w. 401 of Cr.P.C, praying to set aside the order, dated 17.02.2015, made in Crl.M.P.No.506 of 2015 in Crl.A.No.6 of 2015, on the file of the Principal District and Sessions Judge, Thiruvallur.

For Petitioner : Mr.JR.Alvin Manoj Raj

For Respondent : (No appearance)

O R D E R

Criminal Revision Case is filed against the order, dated 17.02.2015, made in Crl.M.P.No.506 of 2015 in Crl.A.No.6 of 2015, on the file of the Principal District and Sessions Judge, Thiruvallur, by which, while suspending the sentence imposed by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur, in S.T.C.No.534 of 2014, dated 22.01.2015, the Principal District and Sessions Judge, Thiruvallur, has directed the petitioner/appellant in C.A.No.6 of 2015, to furnish cash security of a sum of Rs.5,00,000/-, within 30 days, to the satisfaction of the Judicial Magistrate, Ambattur. The learned District Judge, has also directed the petitioner/appellant to be present before the Court on all hearing dates. Being aggrieved by the said conditions, the petitioner has filed this revision case.

2. Though, while testing the correctness of the condition, furnishing cash security of Rs.5,00,000/-, from 30 days, to the satisfaction of the learned Judicial Magistrate, Ambattur, notice is required to be sent, considering the plea of the petitioner that she had not committed any offence, under Section 138 of the Negotiable Instruments Act, 1888, this Court thought it fit, to consider, as to whether, there is any possibility of arriving at any settlement. Thus, on 11.03.2015, this Court has ordered notice of motion, returnable by 10 days. Private notice was also permitted.

3. Though Mr.O.Raman and Mr.T.Prabahar, learned counsel have entered appearance, on behalf of the respondent, there is no representation.

4. Considering the materials on record, points raised for consideration, before the appellate Court in CrI.A.No.6 of 2015, on the file of the Principal District and Sessions Judge, Thiruvallur and the submission advanced by the learned counsel for the petitioner, as regards the plight of the petitioner, in depositing a huge sum of Rs.5,00,000/-, within 30 days, this Court is inclined to reduce the quantum of compensation by 50% of the said sum.

5. Hence, Condition No.1 imposed by the learned Principal District and Sessions Judge, Thiruvallur, in CrI.M.P.No.506 of 2015 in CrI.A.No.6 of 2015, dated 17.02.2015, shall be modified to the effect that the petitioner/appellant in CrI.A.No.6 of 2015, shall furnish cash surety for a sum of Rs.2,50,000/- within 30 days, to the satisfaction of the Judicial Magistrate, Ambattur. Insofar as Condition No.2, it remains unaltered.

6. With the above direction, the Criminal Revision Case is disposed of. No costs.

skm

-s/d-
Assistant Registrar(CO)
Dt:6/4/2015

True Copy

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge,
Thiruvallur.

2. The Judicial Magistrate, Ambattur.

3. The Chief Judicial Magistrate, Tiruvallur.

+ 1 cc to Mr.Alvin Manoj Raj, Advocate sR 18019

CrI.R.C.No.191 of 2015