

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.No.489 of 2015

M.P.No.1 of 2015

P.Muthulakshmi

D/o.Perumal

.. Petitioner/ Petitioner

vs.

P.R.Manokaran

.. Respondent/ Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order dated 16.02.2015 passed in C.M.P.No.491 of 2015 in C.A.No.06 of 2015 on the file of the Principal District and Sessions Court, Vellore whereby imposed condition that the petitioner should deposit 1/4th of the cheque amount for granting bail

For Petitioner : Mr.C.Prakasam

O R D E R

This revision challenges the order of learned Principal District and Sessions, Vellore passed in C.M.P.No.491 of 2015 in C.A.No.06 of 2015 on 16.02.2015.

2. Respondent preferred a complaint informing that the petitioner borrowed a sum of Rs.2,00,000/- from him and towards repayment thereof, issued a cheque bearing No.056837 drawn on Indian Bank, Post Office, Tirupattur Branch, in such sum. When presented for payment, the same was returned unpaid with the endorsement "insufficient funds". Respondent / complainant caused statutory notice and the petitioner received the same and sent a reply containing false allegations. In keeping with the provisions of Section 138 of the Negotiable Instruments Act, respondent/ complainant preferred a complaint. The case was tried in S.T.C.No.540 of 2013 on the file of learned Judicial Magistrate I, Tirupathur.

3. Before the trial Court, the respondent/complainant examined himself and marked five exhibits. None were examined on behalf of the defence nor were any exhibits marked.

4. On appreciation of the materials before it, the trial Court, under judgment dated 05.09.2013, entered upon a finding of conviction and sentenced the petitioner to undergo 6 months S.I. and pay compensation in a sum of Rs.2,00,000/- to the complainant, i/d. to undergo 2 months S.I. There against, the petitioner moved C.A.No.06 of 2015 and a petition in C.M.P.No.491 of 2015 for suspension of sentence, wherein under order dated 16.02.2015, learned Principal District and Sessions Court, Vellore suspended the sentence imposed by the trial Court and directed the petitioner to deposit 1/4th of the compensation. Thereagainst, this revision.

5. Heard learned counsel for petitioner and learned counsel for respondent.

6. On a perusal of the order under challenge, this Court finds that the appellate Court taking into consideration the submissions of the learned counsel for the petitioner/accused as also the facts and circumstances of the case, granted the relief of suspension of sentence subject to the petitioner executing a bond in a sum of Rs.10,000/- with two sureties and further directed her to effect deposit of ¼ th of the compensation awarded by the trial Court. This Court finds no error in the order under challenge.

This Criminal Revision stands dismissed. Connected miscellaneous Petition closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gpa

To

1. The Judicial Magistrate No.1
Tirupathur

2. do thro the Chief Judicial Magistrate
Vellore

3. The Principal District and Sessions Court
Vellore

1 cc to Mr.C. Prakasam, Advocate, Sr. 2491

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