

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Cr1.R.C.No.551 of 2015

S.Mukanchand Bothra

... Petitioner

vs.

1.Rajiv Gandhi Memorial Educational
Charitable Trust,
Rep. By its trustees accused 2 to 8
36, Anjaneyar Koil Street,
Chennai - 600 056.

2.R.Anbarasu

3.P.Mani

4.Mrs.A.Kamala

... Respondents

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to enhance the compensation as to double the cheque amount in the judgment passed by the learned Magistrate Fast Track Court IV, in C.C.11127 of 2006 dated 07.05.2015.

For Petitioner : Mr.S.Mukanchand Bothra

For Respondents: Mr.R.Vivekananthan

O R D E R

This revision is preferred by the complainant in a case tried for offence under Section 138 of the Negotiable Instruments Act in C.C.No.11127 of 2006 on the file of Fast Track Court IV, George Town, Chennai, challenging the judgment of learned Magistrate Fast Track Court IV, passed on 07.05.2015.

2. Respondents/accused along with five others faced trial for offence under Section 138 of the Negotiable Instruments Act in C.C.No.11127 of 2006 on the file of Fast Track Court IV, George Town, Chennai. A6 died pending trial. The trial Court, under judgment dated 07.05.2015, while acquitting accused 5, 7 and 8, convicted accused 1 to 4. Since A1 is a trust, the trial Court sentenced respondents 2 to 4/accused to 2 years S.I. as also directed payment of compensation in a sum of Rs.25,20,000/- to the petitioner/complainant. Challenging such judgment, the petitioner/ complainant has filed the present revision.

3. Heard petitioner and learned counsel for respondents.

4. The grievance of the petitioner/complainant is that inadequate compensation has been ordered to be paid by the trial Court. The question of whether the proviso to Section 372 Cr.P.C. providing for appeals by a victim would apply in a complaint case as distinct from cases arising out of a charge sheet is pending decision of a Division Bench of this Court. The same, however, would not restrain this Court from passing an order in the present case since it is represented by learned counsel for respondents that as against the finding of conviction by the trial Court, appeals have been filed by the accused, three of which have been taken on file while one is pending condonation of delay. When the very finding of conviction is under challenge in appeals, it would be appropriate to dispose of this revision with an observation that it will be open to the appellate Court also to consider the question of adequate compensation, if it decides to concur with the finding of conviction arrived at by the trial Court.

With the above observation, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsm

To

The Fast Track Court IV,
Chennai.

+lcc to Mr.R. Vivekananthan, Advocate, S.R.No.3592

+lcc to Mr.S. Mukanchand Bothra, Advocate, S.R.No.2974

LRS (CO)

EU(22/03/2016)

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