

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Criminal Revision Petition No.1197 of 2016

M.Suresh

... Petitioner

...vs...

J.Gobinathan

... Respondent

Criminal Revision Petition filed under Section 401 of Cr.P.C praying to set aside the order imposed condition to deposit Rs.2,00,000/- only passed in Crl.M.P.No.1605 of 2016 in Crl.A.No.10 of 2016 on the file of Principal Sessions Judge, Dharmapuri by order dated 20.09.2016.

For Petitioner : Mr.V.R.AnnaGandhi

For Respondent : Mr.M.Selvam

O R D E R

This revision challenges the order in C.M.P.No.1605 of 2016 in Crl.A.No.10 of 2016 on the file of Principal Sessions Judge, Dharmapuri in the condition requiring the petitioner to deposit a sum of Rs.2,00,000/- is concerned.

2) Petitioner faced prosecution for offence under Section 138 N.I.Act in S.T.C.No.52 of 2014 on the file of Judicial Magistrate, (Fast Track Court), Dharmapuri. He was convicted and sentenced to one year imprisonment and was directed to pay compensation of Rs.4,97,000/- to the respondent i/d 1 month Simple Imprisonment. Petitioner has preferred appeal in C.A.No.10 of 2016 on the file of the Principal Sessions Judge, Dharmapuri. Petitioner has also filed in C.M.P.No.1605 of 2016, seeking suspension of sentence. The Appellate Court, under order dated 20.09.2016, while granting the relief of suspension of sentence, has imposed a condition requiring the petitioner to deposit a sum of Rs.2,00,000/-. Challenging such order, the present revision petition has been filed by the petitioner.

3. Learned counsel for petitioner submits that the petitioner has produced account statements for the year 2009-2014 as Exhibit B2 to prove extinguishment of the debt. Such document has not received the consideration of the Trial Court and in the circumstances, the imposition of condition of payment by the Appellate Court has put the petitioner in great difficulty.

4. Heard learned counsel for respondent.

5. Considering the rival submissions, this Court would interfere with the order under challenge insofar as it directs the petitioner to deposit a sum of Rs.2,00,000/- to the credit of the case.

6. Accordingly, the condition imposed upon the petitioner to deposit a sum of Rs.2,00,000/- shall stand deleted. The Court below is directed to dispose of the appeal as expeditiously as possible and in any event, not later than, within three months from the date of receipt of a copy of this order.

The Criminal Revision is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Principal Sessions Court,
Dharmapuri.

+1cc to Mr.V.R. Anna Gandhi, Advocate, S.R.No.62974
+1cc to Mr.M. Selvam, Advocate, S.R.No.63003

ppa (CO)
md(29/12/2016)

Cr1.RC. No.1197 of 2016