

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.5.2016

CORAM:

THE HON'BLE MR.JUSTICE B.GOKULDAS

CrI.R.C.No.766 of 2016

1. M/s. Thulasi Suppliers,
represented by its Proprietor
Mr.R.Ravi,

2. R. Ravi ... Petitioners/Accused.

Vs.

M/s. Power Caar Care Center,
represented by its Proprietor,
Mr.S.Senthil ... Respondent/Complainant.

Criminal Revision Case filed under Sections 397 r/w.401 of the Cr.P.C., against the order dated 11.5.2016 made in CrI.M.P.No.6811 of 2016 in C.A.No.132 of 2016 on the file of learned XVII Additional City Civil Court Chennai in C.C.No.10725 of 2010 on the file of the III Fast Track Court, Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.D. Manimaran

For Respondent : No appearance

O R D E R

This Criminal Revision Case has been preferred by the petitioner against the order passed in CrI.M.P.No.6811 of 2016 in C.A.No.132 of 2016 on the file of learned XVII Additional City Civil Court Chennai, directing the petitioner to deposit a sum of Rs.2,50,000/-, being the 10% of the compensation amount to the credit of C.C.No.10725 of 2010 on the file of III Fast Track Court, Metropolitan Magistrate, Saidapet.

2. The respondent herein has preferred a complaint before the IX Metropolitan Magistrate, Saidapet, Chennai against the petitioners herein under Section 200 Cr.P.C and Sections 138, 141 and 142 of Negotiable Instruments Act and the same is taken on file as C.C.No.10725 of 2010 on the file of learned Fast Track III, Saidapet, wherein, the petitioners/A1 and A2 were found guilty under Section 138 of Negotiable Instruments

Act and the 2nd petitioner is sentenced to undergo six months simple imprisonment and the 1st petitioner is directed to pay the cheque amount as compensation.

3. Aggrieved against the order passed in C.C.No.10725 of 2010, they preferred appeal in C.A.No.132 of 2016 before the learned XVII Additional City Civil Court, Chennai. Pending Criminal Appeal, the petitioners herein have filed CrI.M.P.No.6811 of 2016 seeking for suspension of sentence before the learned Vacation Sessions Judge/ I Additional City Civil Judge, Chennai. In the said CrI.M.P.No.6811 of 2016, on 11.5.2016, the imprisonment imposed on the 2nd petitioner by the lower Court alone was suspended till the disposal of the appeal and the 2nd petitioner was enlarged on bail on his executing a bond for Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai within two weeks and on further condition that the 2nd petitioner, being the proprietor of 1st petitioner company shall deposit a sum of Rs.2,50,000/- being the 10% of the compensation amount to the credit of C.C.No.10725 of 2010 on the file of the trial Court within a period of four weeks. Aggrieved against the above said condition imposed on the petitioners/accused to deposit 10% of the cheque amount by the Court below, the petitioners have filed the present Criminal Revision Case.

4. Learned counsel for the petitioners submitted that though the Court below has admitted that very many grounds have been raised and that there are several arguable points in the appeal, it has imposed a condition on the petitioners to deposit 10% of the cheque amount to the credit of C.C.No.10725 of 2010 within four weeks, is totally contrary to its findings. Hence the prayed for setting aside the condition laid on the petitioners to deposit 10% of the compensation amount.

5. I have heard the submissions of the learned counsel for Revision Petitioner. There is no representation for the respondent either in person or through his counsel.

6. Considering the facts and circumstances of the case and submissions of learned counsel for Revision Petitioner, this Court is inclined to modify the the condition imposed on the 2nd petitioner by the Court below in CrI.M.P.No.6811 of 2016 in C.A.No.132 of 2016 that the petitioner shall deposit 10% of the compensation amount to the effect that he shall deposit 5% of the cheque amount, i.e., Rs.1,25,000/- to the credit of C.C.No.10725 of 2010 on the file of III Fast track Court, Metropolitan Magistrate, Saidapet. Except the above modification, the other conditions imposed by the Court below in CrI.M.P.No.6811 of 2016 shall stand unaltered.

7. With the above modification, this Criminal Revision Case is disposed of.

msr

s/d-
Assistant Registrar/
Vacation Officer

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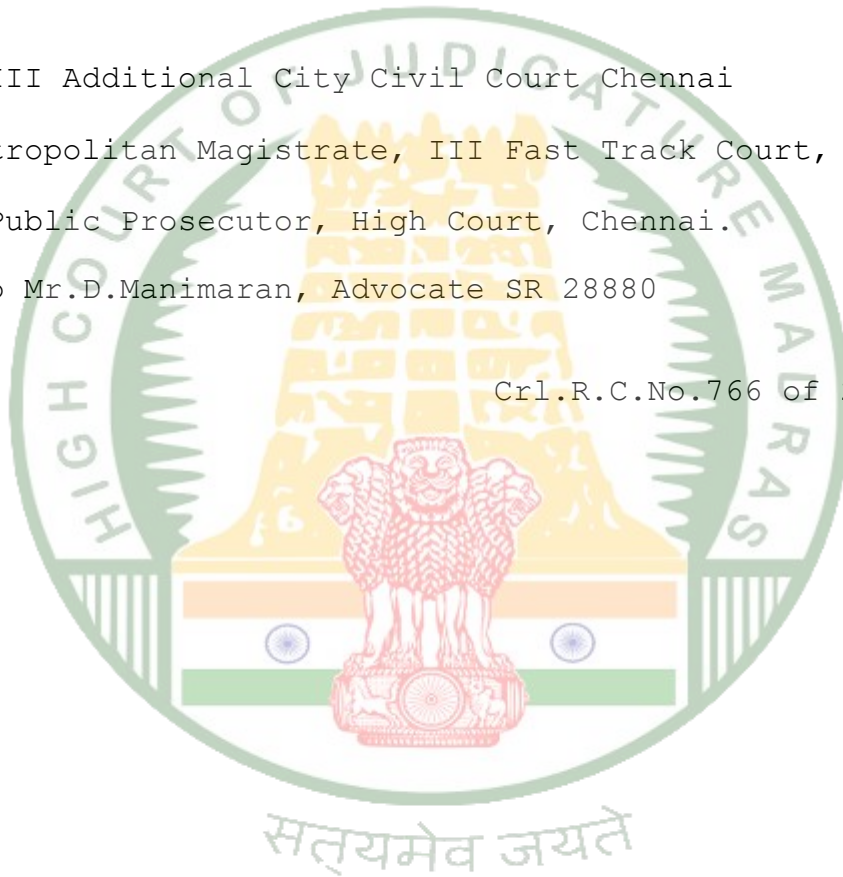
Sub-Assistant Registrar

To

1. The XVIII Additional City Civil Court Chennai
 2. The Metropolitan Magistrate, III Fast Track Court, Saidapet.
 3. The Public Prosecutor, High Court, Chennai.
- + 2 ccs to Mr.D.Manimaran, Advocate SR 28880

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