

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE MR. JUSTICE **R.SURESH KUMAR**

Crl.R.C.No.1001 of 2017

Sri Ram B.

...Petitioner

Vs.

K.C.Palanisamy

...Respondent

Prayer:- Petition filed under Section 397 & 401 of the Criminal Procedure Code, 1973 praying to set aside the condition imposed by the Additional Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode while passing order in Crl.M.P.No.228 of 2017 in Crl.Appeal No.166 of 2017 dated 17.07.2017.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.I.C.Vasudevan

ORDER

This revision case has been filed against the order dated 17.07.2017, passed by the learned Additional Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode in Crl.M.P.No.228 of 2017 in

Crl.Appeal No.166 of 2017.

2. The petitioner herein is an accused in S.T.C.No.479 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode, wherein, by an order dated 03.06.2017, he had been convicted for the offence punishable under Section 138 of Negotiable Instruments Act, for under going simple imprisonment of six months and also to pay a compensation of Rs.15,00,000/- (Rupees fifteen lakhs only).

3. As against the said judgement and conviction, the petitioner had preferred an appeal in Crl.A.No.166 of 2017 before the first appellate Court, wherein the appellate Court has passed the present impugned order, whereby while suspending the sentence imposed against the petitioner, had imposed the condition directing the petitioner to deposit a sum of Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) which is a part of the compensation amount imposed by the trial Court. Aggrieved by the said condition imposed by the first appellate Court, the present revision has been filed.

4. I have heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner as well as Mr.I.C.Vasudevan, learned counsel

appearing for the respondent.

5. This Court, at the admission stage, by an order dated 31.07.2017 directed the petitioner to deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) as a conditional amount to show his bonafide, to the credit of S.T.C.No.479 of 2015. Subsequently, the time granted by this Court in order dated 31.07.2017 has been further extended for the period of one week by further order of this Court dated 18.08.2017.

6. Pursuant to the order passed by this Court on 31.07.2017, as referred to above, the petitioner has deposited the said amount of Rs.1,50,000/- (Rupees one lakh fifty thousand only), before the trial Court i.e, the learned Judicial Magistrate, Fast Track Court No.I, Erode and the learned counsel for the petitioner has produced the receipt to that effect by way of additional typed set of papers for perusal of this Court, today.

7. After having considered the said payment made by the petitioner and after hearing the learned counsel appearing for the petitioner as well as the respondent, this Court is of the view that since the appeal filed against the order of conviction is pending before the first

appellate Court, whether the merits or otherwise of the order passed by the trial Court has to be decided, only for the purpose of suspending the sentence imposed by the trial Court, the appellate Court imposed the condition of payment of Rs.3,75,000/-, the same, as claimed by the learned counsel for the petitioner is, to some extent on the higher side, therefore this Court had directed the petitioner to deposit a sum of Rs.1,50,000/-, which the petitioner has complied with, as stated above.

8. In these circumstances, this Court is of the considered view that the impugned order, which is under challenge, can be modified to the effect that the petitioner has to pay a sum of Rs.1,50,000/-(Rupees one lakh fifty thousand only) to the credit of S.T.C.No.479 of 2015, instead of Rs.3,75,000/- as ordered by the first appellate Court. Since the said amount of Rs.1,50,000/- has already been paid, this revision case is ordered with the above observations. The first appellate Court shall proceed with the main appeal and decide the same in accordance with law in the usual and routine course.

9. With these directions and observations, this criminal revision case is disposed of.

28.08.2017

Speaking/non speaking order.

Index :Yes/No

rts

To

1. The Presiding Officer,
The Additional Sessions,
Magalir Neethi Mandram
(Fast Track Mahila Court),
Erode

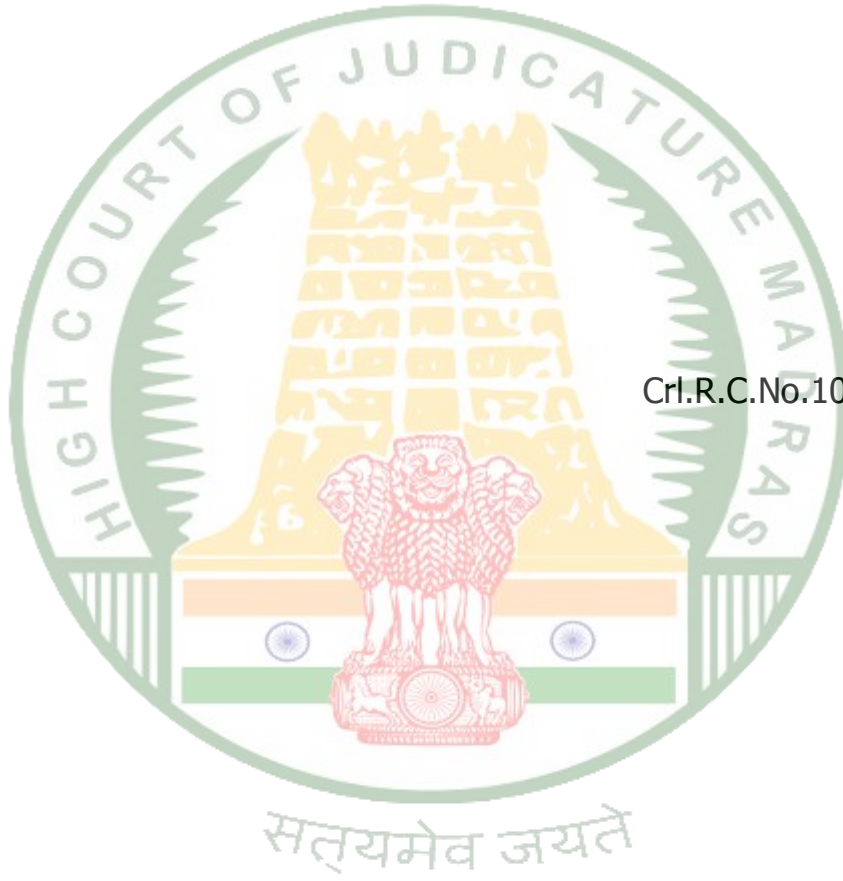
2. The Public Prosecutor,
High Court, Madras.



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R.SURESH KUMAR,J.

rts



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