

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal R.C.No.405 of 2017

Govindarajan

... Petitioner

Vs.

V.R.Manimaran

... Respondent

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code praying to set aside the order dated 04.01.2017, passed in Crl.M.P.No.6858 of 2016 in C.A.No.55 of 2016 by the learned Principal Sessions Judge, Villupuram.

For Petitioner : Mr.J.Antony Jesus

For Respondent : No appearance

ORDER

This revision is filed against an order dated 04.01.2017, passed in Crl.M.P.No.6858 of 2016 in C.A.No.55 of 2016 by the learned Principal Sessions Judge, Villupuram.

2.The petitioner stood convicted for an offence under Section 138 of Negotiable Instruments Act in C.C.No.96 of 2016 and was imposed a fine of Rs.15,10,000/- and out of that, a sum of Rs.15,00,000/-(Rupees Fifteen Lakhs only) to be paid as compensation to the petitioner in default to undergo six months rigorous imprisonment. Challenging the same, the petitioner filed an appeal in C.A.No.55 of 2016 before the Principal Sessions Judge, Villupuram. Pending appeal, he filed suspension of sentence in Crl.M.P.No.6858 of 2016 in C.A.No.55 of 2016, wherein the appellate court suspended the sentence on condition that the petitioner should deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) as cash security alongwith other sureties. Challenging the above said condition imposed by the learned Principal Sessions Judge, the present revision has been filed.

3.Heard Mr.J.Antony Jesus, learned counsel appearing on behalf of the petitioner. Even though notice served on the respondent and the name also printed in the cause list, none appeared on behalf of the respondent.

4.Learned counsel for the petitioner would submit that the petitioner is an agriculturalist and he is not in a position to deposit a sum of Rs.50,000/-as cash security for suspension of sentence and the condition imposed by the learned Principal Sessions Judge is also onerous.

5.Considering the facts and circumstances of the case, the petitioner being an agriculturalist and not able to pay the amount as directed by the appellate court, the condition imposed by the Court below with regard to the cash security for suspension of sentence alone is modified. The petitioner is directed to deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) as cash security for suspension of sentence and also abide by other conditions of the Court below.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm

To

The Principal Sessions Judge,
Villupuram.

+ 1 cc to MR.J. Antony Jesus, Advocate Sr.22638

सत्यमेव जयते

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SKS (CO)
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