



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M. BASHEER AHAMED

WEB COPY

Crl.R.C.(MD) No.338 of 2017

and

Crl.M.P.(MD) No.3268 of 2017

Saminathan

... Petitioner

-vs-

Jayaram

... Respondent

PRAYER : This Petition is filed, under Section 397 r/w 401 of the Code of Criminal Procedure to call for the records and set aside the condition directing the petitioner to deposit a sum of Rs.2,00,000/- before the Trial Court on or before 02.01.2017, to suspend the sentence imposed by the Judicial Magistrate, Manapparai, in S.T.C.No.1 of 2016, dated 22.06.2016, passed in Crl.M.P.No.2965 of 2016, in C.A.No.68 of 2016, on the file of the Principal Sessions Judge, Trichy, dated 07.02.2017.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : No appearance

O R D E R

The learned counsel for the petitioner is present and no representation for the respondent.

2. The Trial Court has convicted the petitioner for offences under Section 138 of the Negotiable Instruments Act, as per the Judgement dated 22.06.2016 in S.T.C.No.1 of 2016. Then, the petitioner has preferred an appeal before the Principal Sessions Court, Triuchirappalli, in C.A.No.68 of 2016, and the sentence was suspended in Crl.M.P.No.2965 of 2016, on condition that the petitioner shall deposit a sum of Rs.2,00,000/- before the Trial Court, and the sentence was suspended till 02.01.2017, as per order dated 08.12.2016. Since, the petitioner has failed to comply the condition to deposit the said amount in time, the learned Principal District Judge, Thiruchrappalli, has dismissed Crl.M.P.No.2965 of 2016 in C.A.No.68 of 2016, in his order dated 07.02.2017. Aggrieved by that order, the petitioner has filed the present Criminal Revision Petition.

3. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner would submit that the petitioner agreed and ready to deposit a sum of Rs.2,00,000/-,



but he wants time to deposit the amount and therefore, this Court has granted an order of interim stay vide order dated, 19.04.2017, in Crl.M.P.No.3268 of 2017 in Crl.R.C.(MD) No.338 of 2017, till 09.06.2017, on condition that the petitioner has to deposit the said amount on or before 09.06.2017, failing which, the interim stay granted shall stand vacated automatically without any reference to this Court and posted the case to 12.06.2017 for compliance as per order dated 19.04.2017.

4. Thereafter, the petitioner has filed an another application in Crl.M.P.No.4823 of 2017, on 09.06.2017, seeking further time to deposit the amount and the same was ordered on 12.06.2017, by extending the time and interim stay till 07.07.2017, failing which the interim stay already granted stands vacated. Now, the learned counsel for the petitioner submitted that the petitioner has not deposited the amount, as ordered by this Court and therefore, he seeks further time to deposit the said amount.

5. Considering the above facts and circumstances of the case and also the fact that this Court has granted sufficient time to the petitioner to deposit the said amount, but he has not deposited the amount in time and also not complied with the condition therefore, this Court is not inclined to extend the interim stay, which was already granted. Hence, the Criminal Revision Petition is dismissed. Consequently, connected Criminal Crl.M.P.No.3268 of 2017 is also dismissed for non-compliance of deposit as agreed by the Revision Petitioner.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate,
Manapparí.

2.The Principal Sessions Judge,
Trichy.

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