



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD)No.542 of 2017

and

CRL.M.P(MD)NO.6060 OF 2017

M.S.Anvarulla

... Petitioner/Petitioner/Appellant/
Accused

-Vs-

Velmurugan Oil Store,
represented by its Proprietor,
S.Manikandasamy,
Son of Sivaraman,
Rajaji Road, Palani Town,
Dindigul District.

... Respondent/Respondent/
Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying to call for the records and to set aside the condition No.1 of the order passed by the Principal Sessions Judge, Dindigul in Crl.M.P.No.709 of 2017 in C.A.No.46 of 2017 in C.C.No.5 of 2015, dated 19.6.2017, on the file of the Judicial Magistrate(Fast Track Court), Palani.

For Petitioner : M/s.T.Lenin kumar

O R D E R

Challenging the order directing the Petitioner to deposit Rs.75,000/- while ordering suspension of sentence by the lower appellate Court, the present revision is filed.

2.The Petitioner is an accused in a private complaint under Section 138 of the Negotiable Instruments Act. The Trial Court convicted the Petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and to pay a sum of Rs.2 lakhs towards compensation within two months and in default to undergo simple imprisonment for one month. Challenging the same, the Petitioner filed an appeal before the lower appellate Court in C.A.No.46 of 2017 and during the pendency of the appeal, the Petitioner filed an application to suspend the sentence. The Lower Appellate Court suspend the sentence by order, dated 19.06.2017 and directed the Petitioner to deposit a sum of Rs.75,000/- on or before 18.07.2017. Being aggrieved by the same, the present revision is filed.



3.I have heard the submissions of Mr.T.Lenin Kumar, learned counsel for the Petitioner and perused the materials placed before this Court.

4.From the perusal of the records, I find that the condition imposed by the lower appellate Court is not onerous. The lower appellate Court directed the Petitioner to deposit only 1/4th of the cheque amount and at any rate, it cannot be considered as an onerous condition. Thus the revision fails.

5.Accordingly, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is dismissed. However, the Petitioner is granted eight weeks time to deposit a sum of Rs.75,000/- as directed by the lower appellate Court.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Principal Sessions Judge,
Dindigul.

2.The Judicial Magistrate(Fast Track Court),
Palani.

+1cc to Mr.T.Lenin Kumar, Advocate, Sr.No.65159

Cr1.R.C(MD)No.542 of 2017
and

CRL.M.P(MD)NO.6060 OF 2017
13.07.2017

vsn

JM/SKN RSK/SAR 1/14.07.2017/2P/4C