

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.172 of 2018

and

Crl.M.P.No.1438 of 2018

Deivanayagam ...Petitioner/Accused

..Vs..

Govindasamy ...Respondent/Complainant

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.365 of 2018 in C.A.No.2 of 2018 dated 23.01.2018 on the file of Principal Sessions Judge(I/c), Villupuram as far as directing the petitioner herein to deposit a sum of Rs.1,50,000/- as cash security out of fine amount of Rs.6,00,000/- to suspend the sentence and to allow the above appeal.

For Petitioner : Mr.R.Nalliyappan
For Respondent : Mr.R.Bharathkumar

O R D E R

This Criminal Revision Petition has been filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.365 of 2018 in Crl.A.No.2 of 2018 dated 23.01.2018 on the file of Principal Sessions Judge(I/c), Villupuram as far as directing the petitioner herein to deposit a sum of Rs.1,50,000/- as cash security out of fine amount of Rs.6,00,000/- to suspend the sentence and pending disposal of the appeal.

2. The sentence passed by the trial Magistrate was ordered to be suspended by depositing on condition to deposit a sum of Rs.1,50,000/- as cash security towards the fine amount awarded by the trial Court.

3. Aggrieved by the said condition, the accused has preferred this revision stating that the conditional order is onerous and by interim order, dated 7.2.2018, he was directed to deposit the amount of Rs.1,00,000/- within one month.

4. Heard both the counsels and perused the materials available on record.

5. The learned counsel for the revision petitioner has submitted that the conditional order has been complied with and Rs.1,00,000/- has been deposited before the concerned Court.

6. After perusing the order and also compliance report, I am of the considered view that this Criminal Revision Petition has to be allowed. The order passed in Crl.M.P.No.365 of 2008 is modified as from Rs.1,50,000/- to Rs.1,00,000/- and there will be a direction to the learned Principal District Judge, Villupuram to dispose of the criminal appeal within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Principal Sessions Judge(I/c), Villupuram
2. The Section Officer, Criminal Section,
High Court, Madras.

+ 1 cc to M/s. R. Bharath Kumar, Advocate Sr.29143

+ 1 cc to Mr.R. Nalliyappan, Advocate Sr.28699

Crl.R.C.No.172 of 2018 and
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SKV(CO)
EU(15/05/2018)