

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL.R.C.No.845 of 2018
&
Crl.M.P.No.9624 of 2018

N.Chandran .. Petitioner/Accused

Vs.

S.Karventhan ... Respondent/Complainant

Criminal Original Petition filed under Sections 397 and 401 of the Code of Criminal Procedure, praying to set aside the conditional order imposed as "on a condition to deposit the compensation as ordered by the learned Judicial Magistrate, within the period of two months as prayed for by the learned counsel for the petitioner" passed in Crl.M.P.No.2886 of 2018 in C.A.No.86 of 2018 dated 25.06.2018 on the file of the Principal District and Sessions Judge at Thiruvallur.

For Petitioner : Mr.R.Rajasekaran
For Respondent : Mr.V.Suryasankar

O R D E R

This Criminal Revision Case has been filed to set aside the conditional order imposed as "on a condition to deposit the compensation as ordered by the learned Judicial Magistrate, within the period of two months as prayed for by the learned counsel for the petitioner" passed in Crl.M.P.No.2886 of 2018 in C.A.No.86 of 2018 dated 25.06.2018 on the file of the Principal District and Sessions Judge at Thiruvallur.

2. For the sake of convenience, the petitioner and the respondent will be referred to as the accused and the complainant.

3.The facts of the case are as follows:

The accused received a hand loan of Rs.5,50,000/- from the complainant and on 07.01.2016, a pro-note was executed for the same, for which, the accused issued a cheque for Rs.5,95,000/- towards principal and interest. However, when the cheque was presented, the same was dishonored with an endorsement "Funds insufficient". Therefore, the complainant issued a statutory notice on 16.06.2015. Since no payment was

made, he lodged a complaint. After the conclusion of the trial, the accused was convicted in S.T.C.No.84 of 2016 under Section 138 of Negotiable Instruments Act by the Judicial Magistrate, Fast Track Court, Tiruvallur and sentenced to undergo one year simple imprisonment and to pay the compensation of Rs.5,95,000/-. As the accused was physically indisposed, he was unable to attend the Court on the day of judgment. Subsequently, after obtaining the direction from this Court in CrI.O.P.No.25660 of 2017 dated 27.11.2017, the judgment copy was obtained. In the mean time, the Court below issued a Non Bailable Warrant against the petitioner and subsequently, he was arrested. After obtaining the judgment copy, he preferred an appeal before the Principal District and Sessions Court, Tiruvallure, along with condone delay petition and the said condone delay petition was allowed. Thereafter, the accused filed a petition seeking suspension of sentence and the same was allowed in CrI.M.P.No.2886 of 2018 on 25.06.2018 on condition that the accused shall deposit the compensation amount of Rs.5,95,000/-, as ordered by the trial Court, within a period of two months as prayed for by the counsel for the petitioner. As against the said condition, the accused is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

5.The learned counsel for the accused would submit that without going into the merits of the case, this Court may modify the condition imposed by the trial Court. The learned counsel for the accused, on instructions would further submit that the accused is ready to deposit 50% of the compensation amount as ordered by the lower Appellate Court.

6.The learned counsel for the complainant has no objection to consider the request made by the learned counsel for the accused.

7.In view of the above, the condition imposed on the accused by the Principal District and Sessions Court, Tiruvallur, is modified to the effect that the petitioner is directed to pay 50% of the compensation amount [50% of Rs.5,95,000/-] to the credit of C.A.No.86 of 2018 dated 25.06.2018 on the file of the Principal District & Sessions Court, Thiruvallur, within a period of three weeks from the date of receipt of a copy of this order.

8. With the above modification, this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS IX)

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To

1. The Principal District and Sessions Judge,
Thiruvallur.
2. The Judicial Magistrate,
Fast Track Court, Tiruvallur.
3. The Public Prosecutor,
Madras High Court, Chennai-104.
4. The Section Officer, Crl. Sec.
High Court, Madras-104.

KR/4/10/18

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