

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.16133 of 2017

IN CRL RC.437/2017

S.SOUNDARARAJAN

[PETITIONER]

Vs

K.A.RAGHAVAN NAIDU

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the order dated 17.03.2017 passed in Crl.M.P.No.3975 of 2017, by directing the respondent to deposit a sum of Rs.50,00,000/- to the credit of C.C.No.146 of 2012 on the file of the Judicial Magistrate (Fast Track Court) Vellore, as a condition precedent for the grant of the order of suspending the sentence imposed upon him, pending disposal of the above Crl.RC.437 of 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.S.SUBBIAH, SENIOR COUNSEL FOR M/S.ELIZABETH RAVI, Advocate for the petitioner and of M/S.K.PATTABI, Advocate for the Respondent the court made the following order:-

The above miscellaneous petition is filed seeking to modify the order dated 17.03.2017 passed by this Court in Crl.M.P.No.3975 of 2017.

2. Mr.S.Subbiah, learned Senior Counsel appearing for the petitioner/private complainant submitted that both the Courts below have concurrently held that the cheque amount is legally enforceable debt and hence, he seeks to modify the order passed by this Court dated 17.03.2017, wherein, substantive sentence of imprisonment alone was suspended on condition that the accused has to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Vellore. It is further submitted that both the Courts below have concurrently directed the accused to pay a sum of Rs.35,00,000/- towards compensation.

3. Heard the learned counsel appearing for the respondent in Crl.M.P.No.16133 of 2017, who is the revision petitioner. This Court has also perused the records.

4. On a perusal of the records, it is seen that the trial Court besides ordering imprisonment on the accused also ordered to pay a sum of Rs.35,00,000/- towards compensation to the private complainant. When the criminal appeal filed by the accused is pending before the Sessions Court in Crl.A.No.102 of 2014, it appears that a sum of Rs.5 lakhs has been deposited by the respondent herein/accused and by an order dated 02.02.2017, the above criminal appeal was dismissed confirming the order passed by the trial Magistrate. As against which, the present Crl.R.C.No.437 of 2017 was filed and it was admitted and substantive sentence of imprisonment alone was stayed by this Court.

5. After hearing both the parties and after perusing the concurrent findings given by both the Courts below, I am of the considered view that in addition to a sum of Rs.5,00,000/- which was already deposited by the accused pending disposal of the criminal appeal before the Sessions Court, the revision petitioner viz., the respondent herein/accused is directed to deposit another sum of Rs.15,00,000/- before the trial Court, within a period of eight weeks from today.

6. Accordingly, the order dated 17.03.2017 passed by this Court in Crl.M.P.No.3975 of 2017, is modified to the extent indicated above.

-sd/-
28/04/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS COURT, VELLORE.

+1C.C. to M/S.ELIZABETH RAVI Advocate on payment of necessary
charges in SR.NO. 8660

Order

in
CRL MP.16133/2017

in
CRL RC.437/2017

Date :28/04/2018

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MLT-02/05/2018