



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.28 of 2018

and

Crl.M.P. (MD) No.293 of 2018

R.Radhakrishnan

: Petitioner

Vs.

Venkatrajan

: Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to pass an order revising the order of conviction and sentence imposed on the petitioner by means of the judgment of the learned Fifth Additional District and Sessions Judge, Madurai, Madurai District, made in C.A.No.86 of 2016, dated 11.12.2017 directing the petitioner to undergo the sentence of the imprisonment till the rising of the Court along with a compensation of Rs.9,95,000/- within one month to be paid to the respondent/complainant and in default to undergo six months simple imprisonment modifying the same as from undergoing an imprisonment for the period of one year and the payment of compensation to the tune of Rs.9,95,000/- imposed on him by means of a judgment dated 01.09.2014 made in C.C.No.78 of 2012 on the file of the learned Judicial Magistrate No.II (FTC), Madurai.

For Petitioner

: Mr.S.Palani Velayutham

For Respondent

: Mr.A.Gopal

ORDER

It is seen that the petitioner was convicted in C.C.No.78 of 2012 on 01.09.2014 by the learned Judicial Magistrate No.II (Fast Track Court), Madurai, under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and also for payment of Rs.9,95,000/- as compensation. On appeal, the learned Fifth Additional District and Sessions Judge, Madurai, in C.A.No.86 of 2016, by judgment dated 11.12.2017, reduced the sentence of one year into imprisonment till rising of the Court and directed the accused to pay compensation of Rs.9,95,000/- within one month and in default of payment, to undergo simple imprisonment for six months. Challenging the orders passed by the Courts below, the accused is before this Court.



2. Heard Mr.S.Palani Velayutham, learned counsel for the petitioner and Mr.A.Gopal, learned counsel for the respondent.

3. On 12.01.2018, this Court passed the following order:

"Notice of motion returnable in four weeks. Private notice is also permitted. Leave is granted to the petitioner to inform the learned counsel, who appeared for the respondent/complainant before the first Appellate Court as well before the Trial Court about the pendency of the Criminal Revision Case before this Court, so that, the respondent/complainant can make arrangements to enter appearance.

2. The petitioner is granted four weeks time from the date of receipt of a copy of this order to deposit 50% of the compensation amount, viz., Rs.4,97,500/- (Rupees Four Lakhs and Ninety Seven Thousand and Five Hundred only) to the credit of C.C.No.78 of 2012 before the learned Judicial Magistrate No.II (Fast Track Court), Madurai.

3. Interim stay till 09.02.2018.

4. Call on 09.02.2018 'for reporting compliance'."

4. The time was further extended from 09.02.2018 to 20.03.2018. Despite giving sufficient opportunities to the petitioner to deposit the amount, he has not come forward to deposit the amount. On perusal of the order passed by the Trial Court and the first appellate Court's judgment, this Court does not find any infirmity or impropriety warranting interference. Hence, this Criminal Revision Case is dismissed. It is open to the respondent/complainant to take appropriate steps to enforce the judgment passed by the first appellate Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Fifth Additional District and Sessions Judge,
Madurai, Madurai District.
2. The Judicial Magistrate No.II (FTC),
Madurai.

+ 1 CC TO Mr.A.GOPAL, ADVOCATE IN SR No. 57042

SML

TE/JC/SAR-4 : 03/04/2018 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in
Cr1.R.C.(MD)No.28 of 2018
Dated: 20.03.2018