



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 13.09.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO. 320 OF 2019

AND

CRL. M.P. (MD) NO. 4702 OF 2019

K.Subramanian

.. Petitioner/Appellant
Accused

- Vs -

1. C.Selvaraj

2. State, through
Public Prosecutor
Dindigul District,
Dindigul... Respondents 1 & 2
Respondents 1 & 2/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure against the order dated 05.03.19 made in Crl. M.P. No.209 of 2019 in C.A. No.10 of 2019 on the file of the Principal Sessions Judge, Dindigul and set aside the same in respect of condition No.1 alone.

For Petitioner : Mr. R.Karthic Rajan

For Respondents : Mr. L.Prabhu for R-1
Ms.M.Anantha Devi,
GA (Crl. Side) for R-2**ORDER**

The challenge before this Court in the present revision petition is as to the order dated 5.3.19, passed by the Principal Sessions Judge, Dindigul District, in Crl. M.P. No.209/19 in C.A. No.10/19 enlarging the petitioner on bail with a condition to deposit Rs.1 Lakh on or before 5.4.19 along with other conditions.

2. According to the petitioner, the order passed by the court below directing deposit of the amount of Rs.1 Lakh was very onerous



and such condition cannot be attached by the court below for suspending the sentence.

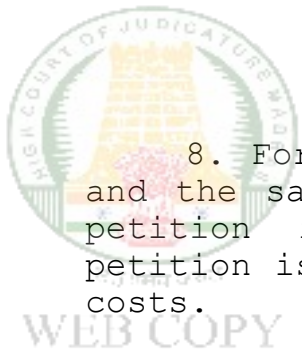
3. Learned counsel appearing for the petitioner submits that no where in law it is contemplated that the appellate court is empowered to impose unwarranted and uncalled for condition while passing an order with regard to suspension of sentence. According to the learned counsel for the petitioner, the imposition of such a conditional deposit would amount to violating the statutory provision by denying the right of the petitioner to be let off on bail. Therefore, it is submitted that the condition for deposit of Rs.1 Lakh is liable to be interfered with.

4. This Court heard the learned counsel appearing for the 1st respondent and the learned Government Advocate (Crl. Side) appearing for the 2nd respondent on the above contentions and also perused the materials available on record.

5. Even at the outset, this Court is of the considered view that it is always within the power of the courts to impose conditions as it deem fit in the circumstances of the case. Even *de hors* the application of Section 148, which was introduced with effect from 1.9.18, a direction to deposit a certain amount is still maintainable. Further, from the materials available on record, the condition imposed by the court below directing the petitioner to deposit Rs.1 Lakh for enlarging him on bail is neither onerous nor unreasonable, since, originally the court below had ordered a compensation of Rs.5 Lakhs.

6. This Court is in agreement with the submission of the learned counsel for the respondents relating to the directing issued by the court below. Further, the trial court has ordered compensation of Rs.5 Lakhs while convicting the petitioner, yet the court below has merely ordered one-fifth of the amount as interim compensation payable during the pendency of the criminal appeal. The deposit of Rs.1 Lakh, in the circumstances of the case, cannot be stated to be onerous or unreasonable or unwarranted and it is well within the inherent power of the court to order interim compensation in order to secure the ends of justice, more so when the petitioner was visited with an adverse order and being convicted for violating the provisions of the Negotiable Instruments Act towards dishonour of cheque issued by him to the complainant.

7. Therefore, this Court does not find anything amiss in the order passed by the court below directing deposit of Rs. 1 Lakh towards interim compensation as one of the conditions for enlarging the petitioner on bail and the said order passed by the Court below is perfectly in order and is just and reasonable.



8. For the reasons aforesaid, the present petition lacks merit and the same deserves to be dismissed. Accordingly, the revision petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1) The Principal Sessions Judge
Dindigul District
Dindigul.
- 2) The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.L.PRABHU, Advocate SR-86482.

+1 CC to M/s.R.KARTHIC RAJAN, Advocate SR-86606.

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CS (03.10.2019) 3P 5C