



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.08.2019

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

WEB COPY

Crl.RC(MD)No.444 of 2019

and

Crl.MP(MD)No.6191 of 2019

C.P.Jayakumar

: Revision Petitioner/Accused

Vs.

Manoharan

: Respondent/Complainant

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of the Criminal Procedure, against the order of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 02.04.2019 in Crl.MP No.1451 of 2019 in C.A.No.44 of 2019 and set aside the same in so far as the portion of Depositing a sum of Rs.85,000/- (50% of the compensation amount ordered by the trial court) before the trial court alone.

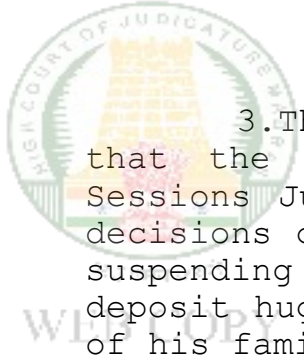
For Petitioner : Mr.R.Murugappan

For Respondent : Mr.C.S.Sriram

O R D E R

This Criminal Revision is directed against the order of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 02.04.2019 in Crl.MP No.1451 of 2019 in C.A.No.44 of 2019 and set aside the same in so far as the portion of Depositing a sum of Rs.85,000/- (50% of the compensation amount ordered by the trial court) before the trial court alone.

2.The petitioner was convicted by the Judicial Magistrate No.II, Sattur, Virudhu Nagar District, in connection with a case in CC No.14 of 2015, dated 03.05.2019 and imposed punishment of 1 year rigorous imprisonment and also directed the petitioner to give Rs.1,70,000/- as compensation to the respondent. Aggrieved by the same, the petitioner filed Crl.A.No.44 of 2019 along with sentenced suspension petition under Section 389(1) Cr.P.C on the file of the Principal District and Sessions Judge, Virudhu Nagar. The learned Judge while admitting the criminal appeal and suspending the sentence imposed a condition directing the petitioner to deposit Rs.85,000/- before the trial court. The said order is challenged in this criminal revision.



3.The learned counsel appearing for the petitioner submitted that the impugned order passed by the Principal District and Sessions Judge, Virudhu Nagar @ Srivilliputhur, is contrary to the decisions of the Hon'ble Apex Court and that while granting bail or suspending sentence, the lower court cannot impose condition to deposit huge amount and that the petitioner is the only breadwinner of his family and now he spent all his saving amount to pay his sons and daughter college fees and also spent his medical treatment. In view of the above circumstances, the impugned order passed by the court below has to be set aside and the criminal revision has to be allowed.

4.On the other hand, the learned counsel appearing for the respondent submitted that the petitioner is a habitual defaulter, and he is not a law abiding person and his intention is to drag on the proceedings and no leniency should be given to him and prays for dismissal of the criminal revision.

5.Heard both sides and perused the materials available on record.

6.It is seen from the records that the trial court imposed punishment of one year and also directed the petitioner to give Rs.1,70,000/- to the respondent as compensation. Against the order of the trial court, the petitioner preferred appeal before the Principal Sessions District and Sessions Judge, Virudhu Nagar and the learned Judge imposed condition to the petitioner to deposit Rs.85,000/- for suspending the sentence.

7.It is also seen from the records that the petitioner is the only breadwinner of the family and he spent huge amount for his medical treatment and also for his children studies. Hence, considering the facts and circumstances of the case, this court is of the view that the impugned order passed by the learned Principal District and Sessions Judge, Trichy, requires modification. Accordingly, the petitioner is directed to deposit 20% of the compensation amount ordered by the trial court, instead of 50%.

8.In the result, this Criminal Revision is **partly allowed**. The petitioner is directed to deposit 20% of the compensation amount ordered by the trial court, instead of 50%. In other aspects, the order of the trial court shall remain unchanged. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //



er

To,

1.The Principal District and Sessions Judge,
Virudhu Nagar @ Srivilliputhur.

2.The Judicial Magistrate No.II,
Sattur.

+1 CC to Mr.C.S.SRIRAM, Advocate (SR-80226[F] dated 07/08/2019)

+1 CC to Mr.R.MURUGAPPAN, Advocate (SR-80383[F] dated 07/08/2019)

order made in
Crl.RC.(MD)No.444 of 2019
06.08.2019

VB(06.11.2019) 3P 5C