



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 23.09.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

**CRL. R.C. (MD) NO. 693 OF 2019
and Crl.M.P(MD) Nos.8117 and 8119 of 2019**

Vasanthi ... Petitioner/Petitioner/Petitioner

- Vs -

D.Muthukamatchi ... Respondent/Respondent/Respondent

PRAYER: Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order of learned Mahila Court, Dindigul in Crl.M.P.No.1370 of 2019 and Cr.M.P.No.1371 of 2019 in C.A.No.29 of 2019 dated 07.08.2019.

For Petitioner : Mr. K.Kevinkaran

ORDER

The present revision has been filed against order of the Mahila Court, Dindigul, in Crl.M.P.No.1370 of 2019 and Cr.M.P.No.1371 of 2019 in C.A.No.29 of 2019 dated 07.08.2019.

2. The facts leading to the filing of the present revision, in a nutshell are as hereunder :-

The case of the complainant before the trial court was that the petitioner/accused borrowed a sum of Rs.5,50,000/- on 01.06.2016. On the same day, the accused issued a cheque drawn on Axis Bank, Dindigul, in favour of the complainant with an assurance that the amount would be repaid within one month, failing which she asked the complainant to present the cheque on 15.07.2016 for collection.

3. The petitioner/accused failed to repay the amount as promised and, therefore, the complainant presented the cheque on 29.09.2016 with his bankers, viz., State Bank of India, Nehruji Nagar, Dindigul Branch which was dishonoured and returned with an endorsement "signature differ". Thereafter, a legal notice was issued on 07.10.2016 for which a reply notice was sent on 26.10.2016. Having failed to repay the amount in terms of the statutory notice, a private complaint was filed before the Judicial Magistrate No.1, Dindigul. After completion of the initial formalities, the complaint was taken on file by the learned Judicial



4. After considering the materials placed before the Court and the evidence adduced, the learned Judicial Magistrate found the accused guilty and convicted the accused/petitioner and sentenced to undergo 6 months simple imprisonment and directed to pay the compensation of Rs.5,50,000/- in default of payment, to undergo 2 months simple imprisonment. As against the conviction and sentence by the trial court, an appeal was preferred by the complainant before the lower appellate court in C.A.No.19 of 2019 with a petition to suspend the sentence till the disposal of the appeal. The learned Principal District Judge, has suspended the sentence on condition to deposit 20% of the compensation on or before 16.07.2019 and transferred the petition to the file of the Mahila Court. On the same day, the petitioner has filed Crl.M.P.No.1370 of 2019 to set aside the condition imposed in the suspension petition. Further, the petitioner has filed Crl.M.P.No.1371 of 2019 for extension of time for depositing 20% of imposed amount. The said petitions were dismissed by the Mahila Court, Dindigul, against which, the petitioner/accused is before this Court by filing the present revision.

5. Learned counsel appearing for the revision petitioner submitted that the Mahila court has failed to consider the financial condition, age of the petitioner and her health ailments before passing the order and therefore, the impugned order is liable to be set aside. It is further submitted that the reliance placed on the decision in **G.J.Raja Vs.Tejraj Suranda** is not correct.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel for the petitioner and also perused the materials available on record as also the reasoning given by the court below for coming to the conclusion.

7. A perusal of the order passed by the Mahila court reveals that though the learned Principal District Judge passed conditional order on 17.06.2017, the petitioner/accused has not complied with the same and the said order was also extended upto 07.08.2019. Instead of compliance, the petitioner/accused has filed two petitions for the reliefs stated above, which were dismissed by the court below through a reasoned order. It is to be noted that even till date, the conditional order has not been complied with by the petitioner/accused.

8. In the above circumstances, taking into consideration the conduct of the petitioner in not depositing the amount even till date, this Court is of the considered view that there is nothing wrong in the order passed by the court below and the same does not call for any interference.

9. However, as a last chance, the time is extended upto 19.09.2019 for the petitioner to deposit the amount as ordered by



the court below. The revision petition is dismissed with the aforesaid observation and direction. Consequently, connecte miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar (CS)

To

1. The Mahila Court, Dindigul
2. The Principal District Judge,
Dindigul.

+1 CC to Mr.K.KEVIN KARAN, Advocate (SR-88761[F] dated 24/09/2019)

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