

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl..RC.No.152 of 2020

and

Crl.M.P.No.1104 of 2020

Dr.Poonguzhali

... Petitioner

Vs.

K.C.Sugumaran

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C, to call for the records in pursuant to Crl.M.P.No.1656 of 2019 in Crl.A.No.31 of 2019 vide order dated 03.10.2019 on the file of the Principal Session Judge, Vellore, Vellore District and set aside the same.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.Arun Anbumani

ORDER

This Criminal Revision Case has been filed by the appellant/accused against the order passed by the Principal Sessions Judge, Vellore, in Crl.M.P.No.1656 of 2019 in Crl.A.No.31 of 2019 vide order dated 03.10.2019.

2. The respondent herein has filed a private complaint under Section 138 of the Negotiable Instruments Act against the petitioner herein and based on the same, the learned Judicial Magistrate (Fast Track Court), Vellore has taken the case on file in STC.No.36 of 2018 and after full trial convicted the petitioner herein to undergo Simple Imprisonment for one year and also directed him to pay a sum of Rs.10,10,000/- as compensation with 6% interest failing which the petitioner shall undergo three months Simple Imprisonment. As against the same, the petitioner has filed an appeal in Crl.A.No.31 of 2019 on the file of the Principal Sessions Judge, Vellore and also filed a petition in Crl.M.P.No.1577 of 2019 to suspend the sentence. The respondent herein has filed Crl.M.P.No.1656 of 2019 to direct the petitioner herein to deposit 20% of the compensation amount and permitting him to withdraw the same. The learned Principal Sessions Judge, Vellore, after considering the rival submissions, has allowed the said Crl.M.P.No.1656 of 2019 by the order dated 03.10.2019 and directed the petitioner herein to deposit 20% of the

compensation amount within 60 days before the trial Court and on such deposit, the respondent/complainant was permitted to withdraw the said amount. Aggrieved by the same, the appellant/accused has filed the present Criminal Revision.

3. This Court by the order dated 28.01.2020 has directed the petitioner herein to deposit a sum of Rs.2,00,000/- within a period of three weeks from the date of receipt of a copy of the said order. Accordingly, the petitioner herein has deposited a sum of Rs.2,00,000/- before the Appellate Court and also filed a memo to that effect. Hence, this court is inclined to modify the condition imposed by the Appellate Court to the effect that the petitioner shall deposit Rs.2,00,000/- as compensation instead of 20% of the compensation.

4. Considering the fact that the petitioner has deposited the amount of Rs.2,00,000/- before the Appellate Court, as directed by this court, the Appellate Court is directed to permit the respondent/complaint to withdraw the said amount as per the earlier order passed by the Appellate Court. Further, the Appellate Court is directed to dispose of the appeal within a period of six months from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Criminal Revision Case is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Principal Session Judge, Vellore,
Vellore District.

2.The Judicial Magistrate,
Fast Track Court, Vellore.

+lcc to Mr.S.Raja ravi varma , Advocate SR.No. 20980

Cr1..RC.No.152 of 2020
and

Cr1.M.P.No.1104 of 2020

A.SK(16/03/2020)