



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: **26.02.2020**

CORAM

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

Crl.RC(MD)No.130 of 2020

S.Madan

: Revision Petitioner/Petitioner

Vs.

T.Dhanam

: Respondent/Respondent

Prayer: Criminal Revision filed under Section 397 r/w 401 of the Code of the Criminal Procedure, against the order of the Sessions Judge, Mahila Court, Tiruchirappalli, dated 13.01.2020 in Crl.M.P.No.27 of 2020 in Crl.A.No.5 of 2020 and set aside the same in so far as relating to the direction to deposit a sum of Rs.40,000/- before the Judicial Magistrate No.IV, Trichy to the credit of S.T.C.No.1319 of 2013.

For Petitioner

: Mr.R.S.Sivaram

For Respondent

: Mr.K.S.Kathiravan
for Mr.C.Gobinath

O R D E R

This Criminal Revision is directed against the order of the learned Sessions Judge, Mahila Court, Tiruchirappalli, dated 13.01.2020 in Crl.M.P.No.27 of 2020 in Crl.A.No.5 of 2020 and set aside the same in so far as relating to the direction to deposit a sum of Rs.40,000/- (Rupees Forty thousand only) before the Judicial Magistrate No.IV, Trichy to the credit of S.T.C.No.1319 of 2013.

2.The petitioner was convicted by the learned Judicial Magistrate No.IV, Tiruchirappalli District, in connection with a case in S.T.C.No.1319 of 2013, dated 20.12.2019 and imposed punishment of 6 months simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of 6 months. Aggrieved by the same, the petitioner filed Crl.A.No.5 of 2020 along with sentenced suspension petition under Section 389(1) of Cr.P.C on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli. The learned Judge, while admitting the criminal appeal allowed the petition for suspense of sentence on condition that the petitioner should deposit Rs.40,000/- (Rupees Forty thousand only) to the credit of STC.No.1319 of 2013 on or before 13.02.2020 before the learned Judicial Magistrate No.IV, Tiruchirappalli and upon executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirappalli on or before 13.02.2020 without fail. The said order is challenged in this criminal



revision.

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

6.The only grievance of the petitioner is that the impugned order passed by the Mahila Court, Tiruchirappalli, in so far as relating to the direction to deposit a sum of Rs.40,000/- (Rupees Forty thousand only) before the learned Judicial Magistrate No.IV, Tiruchirappalli to the credit of S.T.C.No.1319 of 2013 is contrary to law and hence, the impugned order passed by the court below has to be set aside.

7.Keeping in view of the above fact, this Criminal Revision is partly allowed and the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty thousand only) to the credit of S.T.C.No.1319 of 2013 on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli within a period of one month from the date of receipt of a copy of this order. The petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirappalli, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Sessions Judge,
Mahila Court, Tiruchirappalli.

2.The Judicial Magistrate No.IV,
Trichy.

+1 CC to M/s.C.GOBINATH, Advocate (SR-9178[F] dated 28/02/2020)

+1 CC to M/s.R.S.SIVARAM, Advocate (SR-9182[F] dated 28/02/2020)

Crl.RC(MD)No.130 of 2020

26.02.2020

KK/28.02.2020/2P-5C