



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.07.2021
CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1048 of 2017
and
Crl.M.P.No.9949 of 2017

K. Gayathri Sreekarthick .. Petitioner/ Appellant/ Accused
Vs.

V.P. Vasudevan .. Respondent/ Respondent/Complainant

PRAYER : Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the onerous condition imposed in the order dated 21.07.2017 passed in Crl.M.P.No.240 of 2017 in Crl.A.No.174 of 2017 on the file of the Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Erode.

For Petitioner : Mr.R. Veeramani

For Respondent : Mr.T. Gowthaman

O R D E R

The matter is heard through "Video Conference".

2. This criminal revision case is filed by the revision petitioner seeking to set aside the onerous condition imposed in the order dated 21.07.2017 passed in Crl.M.P.No.240 of 2017 in Crl.A.No.174 of 2017 on the file of the learned Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Erode.

3. The respondent herein filed a private complaint under Section 200 of Cr.P.C., for the dishonor of cheque. The same was taken on file in S.T.C.No.550 of 2015. After trial, the matter ended in conviction on 12.05.2017. The convicted accused has preferred an appeal in C.A.No.174/2017 and also moved Crl.M.P.No.240/2017 for suspension of sentence. The learned Magistrate, Fast Track Court, Erode by an order dated 21.07.2017, suspended the sentence on condition of 25% payment of the compensation.



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4. Aggrieved against the said conditional order, the present criminal revision case is filed. In this matter, interim stay was also granted by this Court.

5. Heard both sides.

6. The learned counsel for the respondent submitted that in order to escape from the scam arising out of Emu Birds Scheme, the revision petitioner had issued the cheque and it was dishonored.

7. After going through the order passed by the learned Additional Sessions Judge, Erode and also taking note of the fact that the learned Magistrate is empowered to grant compensation over and above Rs.500 in the subsequent judgment pronounced by this Court, the compensation ordered to be paid is to be recovered under Section 431 of Cr.P.C., and hence, the compensation imposed by the learned Magistrate Court is held to be proper by the subsequent judgment and hence, the sole point as agitated by the learned counsel for the respondent has no merit. Hence, the criminal revision is dismissed.

8. Six weeks time is granted to the petitioner for payment, failing which the suspension order would stand automatically vacated. The learned Magistrate is directed to dispose of the appeal, within a period of eight weeks from the date of receipt of copy of this order.

9. Accordingly, the criminal revision case stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AT
To
1.The Additional Sessions Judge,
Magalir Neethi Mandram
(Fast Track Mahila Court) at Erode.

+lcc to Mr.T.Gowthaman, Advocate SR.No. 34879
+lcc to Mr.R.Veeramani, Advocate SR.No. 34448

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SV I(CO)
A.SK(19.08.2021)