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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.R.C.No.388 of 2022
and
CrI.M.P.No.3942 of 2022

P.Nagaraj ...Petitioner/Accused

versus

1. K.Senthil Rajan ...1st Respondent/Complainant

2. State rep. by
The Public Prosecutor,
Tiruppur. ...2nd Respondent/2nd Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to call for the records and to set aside the order passed in Cr.M.P.No.131 of 2022 in C.A.No.7 of 2022 on the file of the learned Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.Balaji Thirumoorthy

For Respondent No.2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

O R D E R

The present Criminal Revision Case has been filed praying to call for the records and to set aside the order dated 19.01.2022 passed in Cr.M.P.No.131 of 2022 in C.A.No.7 of 2022 on the file of the learned Principal Sessions Judge, Tiruppur.

2.The petitioner herein is arrayed as an accused in S.T.C.No.1723 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur. The first respondent herein preferred the above said complaint as against the petitioner alleging that the petitioner has committed an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The learned Judicial Magistrate, after elaborate trial, by judgment dated 16.12.2021



found the petitioner guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo Simple Imprisonment for 6 months and to pay a compensation of Rs.1,78,000/- to the complainant, in default, to undergo Simple Imprisonment for one month.

3.Challenging the same, the petitioner herein has preferred an appeal before the learned Principal Sessions Judge, Tiruppur, in C.A.No.7 of 2022 along with Cr.M.P.No.131 of 2022 for suspending the sentence imposed upon him.

4.The learned Principal Sessions Judge, Tiruppur, by order dated 19.01.2022, after admitting the appeal on file, suspended the sentence with following conditions;

"petitioner executes a bond for Rs.10,000/- with 2 sureties each for the like sum to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur and with a further condition that the petitioner shall deposit 20% of the compensation awarded by the trial Court within 15 days from the date of this order, on failure to do so, the petition shall stand dismissed. The trial Court should ensure that the 20% compensation deposit is paid by the petitioner within the time stipulated, if not the trial Court has report the non-compliance and shall proceed further to secure the accused."

5.Now, challenging the said condition imposed by the learned Principal Sessions Judge, Tiruppur, the petitioner is before this Court with the present Criminal Revision Case.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

7.Initially, on going through the prayer sought for in this Revision Case, the petitioner has prayed to set aside the entire order dated 19.01.2022 passed in Cr.M.P.No.131 of 2022 by the learned Principal Sessions Judge, Tiruppur, which itself shows that the present Revision has been filed lethargically by the petitioner. Secondly, on going through the conditional order passed by the learned Principal Sessions Judge, Tiruppur, the petitioner herein was directed to deposit 20% of the compensation amount awarded by the trial Court and as far as the said condition is concerned, this Court is of the opinion that the same is not an onerous condition.

8.Accordingly, I am of the opinion that this Criminal Revision Case is not a fit case for admission. Hence, this



Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Principal Sessions Judge,
Tiruppur.
2. The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Tiruppur.
3. The Public Prosecutor,
Tiruppur.
4. The Public Prosecutor,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section,
High Court
Madras.

+1cc to Mr.Rajapandian, Advocate, S.R.No.20987

Crl.R.C.No.388 of 2022
and
Crl.M.P.No.3942 of 2022

PMK(CO)
RGA(06/04/2022)