



Crl.O.P.No.23730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.O.P.Nos.23730 & 23746 of 2022

Raveendranath

...Petitioner
in both Crl.OPs

Vs.

Ravindranatha Sharma

...Respondent
in both Crl.OPs

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. praying to direct the trial Court viz., Metropolitan Magistrate (Fast Track Court II), Egmore, Chennai to implement the order passed by the learned XV Additional Sessions Judge, Chennai vide its order dated 30.11.2018 in Crl.A.Nos. 396 & 397 of 2017 confirming the order dated 30.11.2017 in C.C.Nos.13606 & 13607 of 2008 passed by the trial Court.

For Petitioner : Mr.S.Baskaran
in both Crl.OPs

COMMON ORDER

These petitions have been filed seeking direction to the learned Metropolitan Magistrate (Fast Track Court II), Egmore, Chennai to



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implement the order passed by the learned XV Additional Sessions Judge, Chennai vide its order dated 30.11.2018 in Crl.A.Nos. 396 & 397 of 2017 confirming the order dated 30.11.2017 in C.C.No.13606 & 13607 of 2008 passed by the trial Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the defacto complainant who filed a private complaint against the respondent/accused for an offence punishable under Section 138 of Negotiable Instruments Act, 1881. The trial was conducted by the Metropolitan Magistrate Court (Fast Track Court No. II), Egmore, Chennai in C.C.Nos.13606 of 2008 & 13607 of 2008. After trial, the trial Court convicted the accused/respondent herein and sentenced him to undergo Simple Imprisonment for a period of one year as per Section 255(2) of Cr.P.C., besides directed to pay compensation of Rs.26,96,780/- to the complainant by invoking Section 357 (3) of Cr.P.C. The accused preferred an appeal in Crl.A.Nos.386 & 397 of 2017 which was confirmed by the learned XV Additional Sessions Judge, Chennai on 30.11.2017. The Appellate Court directed the trial Court to issue warrant and secure the



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accused and also to take action for collecting the compensation amount.

But so far the trial Court failed to execute the warrant and failed to collect the compensation amount imposed by the trial Court as confirmed by the appellate Court. Hence, he seeks a direction to the trial Court to implement the order passed by the learned XV Additional Sessions Judge, Chennai vide its order dated 30.11.2018.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the records, it reveals that the petitioner had filed a private complaint against the respondent/accused in C.C.Nos.13606 & 13607 of 2008 for offence punishable under Section 138 of Negotiable Instruments Act, 1881. After trial, the trial Court convicted and sentenced the accused/respondent to undergo Simple Imprisonment for a period of one year as per Section 255(2) of Cr.P.C., besides directed to pay compensation of Rs.26,96,780/- to the complainant by invoking Section 357 (3) of Cr.P.C which was also confirmed by the Appellate Court. It is



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seen from the records that the accused was not secured for execution of the sentence and also steps have not been taken for collecting the compensation amount of Rs.26,96,780/-. Therefore the trial Court is hereby directed to execute the warrant and secure the accused immediately to undergo imprisonment imposed by the trial Court and also to take steps for collecting the compensation amount of Rs.26,96,780/- immediately.

5. With the above observations and direction, these Criminal Original Petitions stand disposed of.

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Index:Yes/No
Speaking/Non speaking order
dpq



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V. SIVAGNANAM, J.

dpq

To

1. The learned Metropolitan Magistrate
(Fast Track Court II),
Egmore, Chennai
2. The XV Additional Sessions Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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