



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)Nos.201, 202, 203,

204, 205 and 206 of 2022

WEB COPY

M.Siddiq @ Abu Backar

... Petitioner/Appellant/Accused
in Crl.R.C.(MD)No.201 to 206 of 2022
Vs.

A.Nizamuddin @ Mohammed Marzook... Respondent/Respondent/Complainant
in Crl.R.C.(MD)No.201 to 206 of 2022

Common Prayer in Crl.R.C.(MD)No.201 to 206 of 2022: These Criminal Revision Petitions filed under Section 397 r/w 401 Cr.P.C. to call for the entire records pertaining to pending on the file of the learned Principal District Judge, Thanjavur in Criminal Miscellaneous Petition No.6000 to 6005 of 2021 in C.A.No.100 to 105 of 2021 respectively vide order, dated 20.12.2021 and set aside the same.

For Petitioner : Mr.K.Sivaraj Pandian(in all CRL RCs)

C O M M O N O R D E R

The criminal revision cases have been filed as against the orders passed in Crl.M.P.Nos.6000 to 6005 of 2021 in C.A.Nos.100 to 105, on the file of the learned Principal District Judge, Thanjavur, thereby directed the petitioner to deposit 20% of the compensation amount within a period of 60 days, from the date of receipt of a copy of that order.

2.The petitioner was convicted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, on the complaint lodged by the respondent herein, sentenced to undergo one year imprisonment and ordered to pay the cheque amount as compensation under Section 357(3) of Cr.P.C.

3.Aggrieved by the same, the petitioner preferred an Appeal and while suspending the sentence, the Appellate Court directed the petitioner to deposit 20% of the compensation amount before the trial Court within a period of 60 days. The petitioner could not able to deposit 20% of the compensation amount within a period of 60 days, for the reason that the entire economy fallen down due to COVID-19 Pandemic situation and as such, he could not able to deposit the same. However, the petitioner is ready to deposit the said amount within a period of one week. The Appellate Court passed an order on 20.12.2021 and the said period of 60 days has been expired on February 20, 2022, itself.



4.The provision under Section 148(3) of the Negotiable Instruments Act, 1881, reads as follows:

'The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal:

Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.'

5.Accordingly, the Appellate Court can direct the appellant to deposit the compensation amount within a period of 60 days and can extend further period of 30 days.

6.In view of the above, the petitioner is directed to deposit 20% of the compensation amount on or before 09.03.2022 to the credit of the trial Court concerned, failing which, the order passed by the Court below stands automatically dismissed.

7.With the above direction, the criminal revision cases are disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Principal District Judge,
Thanjavur.

Crl.R.C.(MD)Nos.201, 202, 203,
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02.03.2022

TR(02.03.2022) 3P 2C