

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.836 of 2022
and Crl.M.P.(MD).No.10450 of 2022

C.Hariharaputhra Pillai

.. Petitioner/Appellant

Vs.

V.K.Rajendran
Proprietor of M/s.Arasi Fabrics,
No.7, Periyar Nagar,
Karur – 639 002,
Rep. by his Power Agent
K.Ramesh Kumar,
S/o.Kaliyappan,
Nanniyur Pudhur,
Nanniyur Post,
Karur Taluk.

.. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 (3) r/w 401 of the Criminal Procedure Code, to call for the records in Crl.M.P.No.1437 of 2022, in C.A.No.81 of 2022 on the file of the Principal District and Sessions Judge, Karur, dated 05.08.2022 and to set aside so far as the first condition of directing 'The petitioner to deposit 25% of the compensation amount to the credit in C.C.No.29 of 2016 on the file of Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur on or before 29.08.2022'.

For Petitioner : Mr.N.Kamesh

ORDER

This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.1437 of 2022, in C.A.No.81 of 2022 on the file of the Principal District and Sessions Judge, Karur, dated 05.08.2022.

2.A private complaint has been registered against the petitioner for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act before the learned Judicial Magistrate Court, Fast Track Court at Magisterial Level, Karur, in C.C.No.29 of 2016, wherein, he was convicted and sentenced to undergo six months Rigorous Imprisonment and apart from that he was also directed to pay the compensation of Rs.14,50,000/- to the complainant within a period of one month, failing which, a default sentence of further one month simple imprisonment was also ordered.

3.The above said order of conviction was passed on 07.07.2022. Against which, the petitioner has preferred an appeal before the Appellate Court in C.A.No.81 of 2022. While passing the order of suspension of sentence in Crl.M.P.No.1437 of 2022 in C.A.No.81 of 2022 on 05.08.2022, the Appellate Court imposed a condition upon the petitioner to deposit 25%

of the compensation amount, which has been ordered by the trial Court and for the purpose of paying the above said amount, he was granted 15 days time.

4.The grievance of the petitioner is that even as per the statutory provision under Section 148 Cr.P.C., he can be directed to pay 20% only of the amount and the time limit has also to be fixed as 60 days. But the amount fixed is only the minimum. So there is nothing wrong in the order. But, however, considering the issue, the first condition in the order passed by the Appellate Court in Crl.M.P.No.1437 of 2022 in C.A.No.81 of 2022 is modified as follows:

“The petitioner is directed to pay 20% of the compensation amount to the credit of C.C.No.29 of 2016 on the file of Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur, within a period of sixty days.”

5.Accordingly, this Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

08.09.2022

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Principal District and Sessions Judge, Karur.
- 2.The Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J.

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