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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V. SIVAGNANAM

Crl.R.C.No.802 of 2022

J.H.Hiruthayaraj

... Petitioner

Vs.

1. Selvi.C

2. The State Represented by
the Public Prosecutor,
The Nilgris.
Respondent

...

Criminal Revision filed under Section 397 and 401 of Cr.P.C., to set aside the conditions imposed in the orders passed in Crl.M.P.No.566 of 2022 in C.A.No.14 of 2022 on the file of the Court of Sessions Division of the Nilgris District at Udagamandalam (Vacation Court), dated 18.05.2022.

For Petitioner : Mr.J.Franklin

For 2nd Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl. Side)

For 1st Respondent : No appearance

ORDER

This criminal revision has been filed challenging the conditions imposed in the orders passed in Crl.M.P.No.566 of 2022 in C.A.No.14 of 2022 on the file of the Court of Sessions Division of the Nilgris District at Udagamandalam (Vacation Court), dated 18.05.2022.



2. The petitioner is an accused and the 1st respondent is the complainant.

The 1st respondent filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate of the Nilgiris at Ootacamund and the same is taken on file in S.T.C.No.4286 of 2016. After trial, the trial Court found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo six months Simple Imprisonment and to pay a sum of Rs.3,50,000/- as compensation to the complainant. Aggrieved against the said order, dated 26.04.2022, an appeal has been preferred in C.A.No.14 of 2022 before the learned District and Sessions Judge of the Nilgiris at Udthagamandalam. Pending appeal, the accused filed a petition in Crl.M.P.No.566 of 2022, seeking suspension of sentence. On hearing both side, the learned appellate Judge allowed the petition, suspending the sentence, on condition to deposit a sum of Rs.1 lakh towards part payment of cheque amount before the trial Court within 60 days from the date of the order. However, the said condition has not been complied with. Hence, this Revision.

3. The learned counsel for the petitioner submitted that the petitioner is a senior citizen who is aged about 70 years and he is unable to mobilise the amount within the stipulated time. Now the petitioner is ready to deposit the



said sum of Rs.1 lakh. Hence, she seeks two weeks time to comply with the condition imposed on 18.05.2022.

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4. Considering the request made by the learned counsel for the petitioner, this Court grants further two weeks time to comply with the condition imposed on 18.05.2023. The petitioner/accused is directed to deposit the said sum of Rs.1 lakh before the trial Court within a period of two weeks from the date of receipt of a copy of this order.

5. With the above observation, this Criminal Revision Petition stands disposed of.

24.04.2023

vum

Index: Yes/No

Speaking order / Non speaking order

Note: Issue copy on 25.04.2023

To

1. The Court of Sessions Division of the
Nilgris District at Udagamandalam

2. The Public Prosecutor,
The Nilgris.



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V. SIVAGNANAM,J.

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