



Crl.R.C(MD)No.107 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.107 of 2019

R.Ramesh

... Revision Petitioner/Petitioner/
Appellant

Vs.

S.Senthil Kumar

... Respondent/Respondent/
Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order directing the petitioner to deposit a sum of Rs.1,00,000/- in the trial Court imposed in Crl.M.P.No.5302 of 2018 in C.A.No.150 of 2018, dated 05.12.2018 by the learned Principal Sessions Judge, Trichirappalli and allow the revision.

For Petitioner

: Mr.V.P.Rajan



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ORDER

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This revision has been filed as against the order of suspension of sentence passed in Crl.M.P.No.5302 of 2018 in C.A.No.150 of 2018, dated 05.12.2018 on the file of the learned Principal Sessions Judge, Trichirappalli, thereby imposing condition to deposit a sum of Rs.1,00,000/- on or before 21.12.2018.

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

3.It is seen that the petitioner is an accused in the complaint lodged by the respondent for the offence under Section 138 of the Negotiable Instruments Act.

4.The said complaint was taken cognizance by the trial Court in S.T.C.No.299 of 2017 for the offence punishable under Section 138 of the Negotiable Instruments Act on the file of the learned Judicial Magistrate, Thuraiyur. The trial Court found the petitioner guilty for the offence punishable under Section 138 of the



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Negotiable Instruments Act and sentenced him to undergo Simple Imprisonment for six months and to pay a compensation of Rs. 3,00,000/-, in default to undergo Simple Imprisonment for a further period of three months. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.150 of 2018 on the file of the learned Principal Sessions Judge, Tiruchirappalli. While pending the appeal, the petitioner filed a petition in Cr.M.P.No.5302 of 2018 for suspension of sentence imposed by the trial Court. The Appellate Court, by order dated 05.12.2018, while suspending the sentence, imposed a condition that the petitioner shall deposit a sum of Rs. 1,00,000/- on or before 21.12.2018. However, the petitioner did not comply with the said condition and filed the present revision.

5.In the present revision, there was no interim order and so far, the petitioner did not comply with the condition imposed by the Appellate Court. That apart, on perusal of the records revealed that the Appellate Court rightly imposed the condition while suspending the sentence and this Court finds no infirmity or illegality in the order passed by the Court below and the revision is liable to be dismissed.



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6. Accordingly, this Criminal Revision Case is dismissed.

The Appellate Court is directed to dispose of the appeal in C.A.No.150 of 2018 within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

05.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
ps

To

The Principal Sessions Judge,
Trichirappalli.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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05.06.2023