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CRL.R.C.(MD).No.573 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD).No.573 of 2023
and
CrI.M.P.(MD)No.8209 of 2023

Vallinayagam

: Petitioner

Vs.

M.Ponmanikandan

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records of the impugned order passed in Cr.M.P.No.2314 of 2023 in C.A.No.70 of 2023 on the file of the Principal Sessions Court, Thoothukudi, dated 12.04.2023 and set aside the same insofar as directing the petitioner to deposit 20% of the compensation amount i.e., Rs.79,000/- before the trial Court alone.

For Petitioner : Mr.R.J.Karthick

ORDER

The Criminal Revision case is directed against the order passed in Cr.M.P. No.2314 of 2023 in C.A.No.70 of 2023, dated 12.04.2023 on the file of the Principal Sessions Court, Thoothukudi.



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2. It is evident from the records that the respondent has filed a private complaint under Section 200 Cr.P.C against the revision petitioner for the offence under Section 138 and 142 of Negotiable Instruments Act and the learned Magistrate, after conducting trial, has convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a sum of Rs.3,96,000/- as compensation under Section 357(3) of Cr.P.C, within a period of one month, in default to undergo two months simple imprisonment. Aggrieved by the said judgment, the accused has preferred an appeal before the learned Principal Sessions Judge, Thoothukudi in C.A.No.70 of 2023 along with an application in Cr.M.P.No.2314 of 2023 for suspending the sentence. The learned Principal Sessions Judge, while suspending the sentence, upon perusing the records and on hearing both parties, has passed the order, dated 12.04.2023, wherein, directed the petitioner to deposit 20% of compensation amount i.e., Rs.79,000/- before the trial Court within one month from the date of receipt of copy of that order. Aggrieved by the said condition, the present revision came to be filed.

3. Heard the learned counsel for the petitioner and also perused the records.

4. Section 148 of Negotiable Instruments Act contemplates that in an appeal filed by the drawer against conviction under Section 138 of NI Act, the



Appellate Court can order the appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the trial Court.

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5. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner is suffering from diabetics mellitus and chronic kidney disease and is taking inpatient treatment and hence, one month further time may be granted for depositing the amount as directed by the appellate Court.

6. In the case on hand, the learned Judge of the Appellate Court has directed the petitioner to deposit only 20% of the compensation amount and as such, the order of the Appellate Judge cannot be found fault with.

7. Accordingly, the revision petitioner is directed to deposit the amount within one month from today, as directed as directed by the Appellate Court.

6. With the above direction, the Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

14.06.2023

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To

1. The Principal Sessions Judge, Thoothukudi.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

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