



Crl.R.C(MD)No.1163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1163 of 2023
and Crl.M.P(MD).No.14850 of 2023

Periyanayaki

... Petitioner

Vs.

K.Ramasamy

... Respondent

Prayer : This Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.01 of 2023 in C.A.No.169 of 2023 on the file of the learned Principal District Sessions Judge, Karur, dated 07.10.2023 and allow the Criminal Revision Case.

For Petitioner : Mr.P.Athimoolapandian

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.01 of 2023 in C.A.No.169 of 2023 on the file of the learned Principal District Sessions Judge, Karur, dated 07.10.2023 and allow the Criminal Revision Case.



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2. The learned counsel for the revision petitioner submitted that the respondent filed a private complaint stating that the petitioner borrowed a sum of Rs.30,00,000/- from the respondent, in discharging the above said liability, on demand, the petitioner issued a cheque bearing No.101539. The respondent presented the cheque for collection into his bank and the same was returned stating " Funds Insufficient ". Thereafter, the respondent filed a private complaint before the Judicial Magistrate Fast Track Court (Magistrate Level), Karur, against the petitioner for the offence under Sections 138 and 142 NI Act and the same was taken on file as C.C.No.357 of 2019.

3. After full trial, on 31.08.2023, the trial Court convicted the petitioner and sentenced him to undergo one year simple imprisonment and directed to pay a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) as compensation to the respondent, in default to undergo one month simple imprisonment for the offence under Section 138 NI Act. Challenging the same, the petitioner has preferred an appeal before the learned Principal District and Sessions Judge, Karur, in C.A.No.169 of 2023 along with petition for suspending the sentence in M.P.No.1 of 2023. After hearing the M.P.No.1 of 2023, the learned Sessions judge



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allowed the petition on 07.10.2023, with certain conditions. Now, this petition has been filed to set aside the conditions passed in M.P.No.1 of 2023.

4.The learned counsel for the petitioner would submit that condition No.1 of the impugned order is excessive and it may be modified as 20% of compensation amount. He further submitted that he was not in a position to arrange the above said amount within a time fixed by the learned Sessions Judge. Therefore, he prays for modification of the above said condition.

5. Considering the above facts and circumstances of the case, the condition No.1 of the order of the learned Principal District and Sessions Judge, Karur, made in M.P.No.1 of 2023 in C.A.No.169 of 2023 dated 07.10.2023 is modified as follows :-

(i) The petitioner shall deposit 20% of the compensation amount to the credit in C.C.No.357 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court @ (Magistrate Level), Karur within a period of four weeks from the date of receipt of a copy of this



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order and on such deposit the sentence shall be suspended failing which the petition shall stand dismissed automatically. The other conditions remain unaltered.

6. In the result, the Criminal Revision Case is allowed, accordingly. Consequently, the connected Criminal Miscellaneous Petition is closed.

19.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
1. The Principal District and Sessions Court,
Karur.



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P.VADAMALAI, J.

tta

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19.10.2023