



Crl.R.C(MD)No.1160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1160 of 2023

Pandia Rajan

... Petitioner

Vs.

Paramasivam

... Respondent

Prayer : This Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the condition No.1 imposed by the Court of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.5187 of 2023 in Crl.A.No.130 of 2023 dated 05.10.2023 and allow this Criminal Revision Petition.

(Amended as per order of the Court dated 01.11.2023 in Crl.M.P(MD).No.15368 of 2023 in Crl.R.C(MD).No.1160 of 2023)

For Petitioner : Mr.Jothi Basu

ORDER

This Criminal Revision Case has been filed to set aside the condition No.1 imposed by the Court of the learned Principal District and



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Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.5187 of 2023 in Crl.A.No.130 of 2023 dated 05.10.2023 and allow this Criminal Revision Petition.

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.4,00,000/- from the respondent, in discharging the above said liability, on demand, the petitioner issued a cheque bearing No.647026. 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 Court No.I, Sivakasi, against the petitioner for the offence under Section 138 of NI Act and the same was taken on file as S.T.C.No. 1274 of 2019.

3. After full trial, on 15.05.2023, the trial Court convicted the petitioner and sentenced him to undergo one year simple imprisonment and directed to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation to the respondent, in default to undergo two months simple imprisonment for the offence under Section 138 NI Act.



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Challenging the same, the petitioner has preferred an appeal before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.A.No.130 of 2023 along with petition for suspending the sentence in Crl.M.P.No.5187 of 2023. After hearing the Crl.M.P.No. 5187 of 2023, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur allowed the petition on 05.10.2023, with certain conditions. Now, this revision has been filed to set aside the first condition passed in Crl.M.P.No.5187 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, Virudhunagar District at Srivilliputtur, made in Crl.M.P.No.5187 of 2023 in Crl.A.No.130 of 2023 dated 05.10.2023 is modified as follows :-



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(i) The petitioner shall deposit 20% (i.e Rs.80,000/-) of the compensation amount before the trial Court within 15 days from date of receipt of this order copy failing which the sentence so suspended stands cancelled automatically. The other conditions remains unaltered.

6. In the result, the Criminal Revision Case is allowed, accordingly.

03.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Principal District and Sessions Court,
Virudhunagar District at Srivilliputtur.



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P.VADAMALAI, J.

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