



CrI.R.C.(MD).No.1279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.11.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

CrI.R.C.(MD).No.1279 of 2023

and

CrI.M.P(MD).No.16348 of 2023

S.Sritharanswamiji

.. Petitioner

Vs.

R.Somasundram

... Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to take this revision petition on the file and call for the records from the lower appellate Court and allow the revision petition by setting aside the first condition of the order, imposed for suspension of sentence, to deposit 20% of the compensation amount within a month dated 06.10.2023 in Cr.M.P.No.5724 of 2023 in CrI.A.No.99 of 2023, on the file of the Principal District and Sessions Judge, Madurai.

For Petitioner : Mr.M.Ramasubramanian



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ORDER

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This Criminal Revision Case has been filed to take this revision petition on the file and call for the records from the lower appellate Court and allow the revision petition by setting aside the first condition of the order, imposed for suspension of sentence, to deposit 20% of the compensation amount within a month dated 06.10.2023 in Cr.M.P.No.5724 of 2023 in CrI.A.No.99 of 2023, on the file of the Principal District and Sessions Judge, Madurai.

2.The brief facts of the case as follows:

The petitioner and the respondent are friends. The respondent has given a sum of Rs.40,00,000/-(Rupees Forty Lakhs only) to the petitioner for purchasing land from one Parameshwaran. The respondent/complainant entered into the sale agreement with the said Parameshwaran. After conclusion of sale agreement, the petitioner handed over the documents relating to the encumbrance of the property sold out. On perusal of the same, it is revealed to the complainant that the said Parameshwaran had executed sale deed in favour of the third parties. Thereafter, the respondent/complainant approached the petitioner for refund of the money. Therefore, the petitioner issued three cheques in favour the respondent, out



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of two cheques were bounced back. Thereafter, respondent filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner before the trial Court.

3.The trial court, namely, learned Judicial Magistrate No.1, Fast Track Court at Magistrate Level, Madurai, by judgment, dated 08.09.2023 made in S.T.C.No.49 of 2019 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and directed to pay a compensation of Rs.13,00,000/- to the respondent, in default to undergo simple imprisonment for a period of two months. Aggrieved by the judgment of the trial court, the petitioner has preferred the appeal before the learned Principal District and Sessions Judge, Madurai, which was taken on file in Crl.A.No.99 of 2023 and while moving suspension of sentence, the learned Principal District and Sessions Judge, Madurai, suspended the sentence imposed by the learned Judicial Magistrate No.1, Fast Track Court at Magistrate Level, Madurai, in S.T.C.No.49 of 2019 on 08.09.2023, with certain condition, vide order, dated 06.10.2023 in Crl.M.P.No.5724 of 2023 in Crl.A(MD).No.99 of 2023.



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4.The learned Principal District and Sessions Judge, Madurai, while granting suspension of sentence, imposed the certain conditions upon the petitioner. One of the conditions (1) is that *'the petitioner is directed to deposit 20% of the compensation amount before the learned Judicial Magistrate No.1, Fast Track Court at Magistrate Level, Madurai, within a month'*. Challenging the first condition imposed on the petitioner in Crl.M.P.No.5724 of 2023 in Crl.A(MD).No.99 of 2023, by the learned Principal District and Sessions Judge, Madurai, the petitioner filed this Criminal Revision Case.

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

6. The main grievance of the petitioner is that the condition No. (1) imposed by the learned learned Principal District and Sessions Judge, Madurai, in directing the petitioner to deposit 20% of the cheque amount is onerous. But as per Section 148 of the Negotiable Instruments Act, the condition (1) imposed by the learned Judge is reasonable one and this Court is not inclined to allow this petition.



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7. Accordingly this Criminal Revision Case is dismissed. However, the petitioner is permitted to deposit 20% of the compensation amount before the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai, within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Criminal Miscellaneous Petition is closed.

30.11.2023

Index : Yes / No
Internet : Yes / No
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To

1.The Principal District and Sessions Court, Madurai.



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P.VADAMALAI, J

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