



Crl.R.C(MD)No.1256 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1256 of 2023

D.Chithra

...Petitioner

Vs.

1.R.Kannan

2.State through
The Public Prosecutor,
Dindigul.

...Respondents

Prayer : This Criminal Revision Case has been filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the Principal Sessions Judge, Dindigul in Crl.M..P.No.3872 of 2023 in C.A.No.114 of 2023 dated 17.10.2023 and set aside the condition No.1 insofar as directing the petitioner to deposit 20% of the cheque amount.

For Petitioner : Mr.D.Venkatesh

For R2 : Mr.S.Manikandan
Government Advocate (Crl.side)



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ORDER

This Criminal Revision Case has been filed to set aside the condition No.1 in Crl.M.P.No.3872 of 2023 in C.A.No.114 of 2023 dated 17.10.2023 passed by the learned Principal Sessions Judge, Dindigul.

2.The brief facts of the case as follows:

The complaint is that the petitioner's husband and the first respondent are close friends. The petitioner had approached the first respondent for a hand loan of Rs.25,00,000/- to meet some of her urgent family expenses. The complainant had loaned Rs.25,00,000/- as hand loan on 10.06.2021 in his house. The accused had handed over the post dated cheque for the loan obtained and had directed the complainant to present the cheque on the said date. The cheque given by the accused bearing number 271214 dated 09.07.2021 drawn on, the State Bank of India, Saminathapuram Branch in favour of the complainant. The complainant presented the above said cheque for collection on 07.07.2021 and the same was returned with endorsement "Funds Insufficient" on 09.07.2021. Thereafter, the first respondent issued a notice to the petitioner/accused calling upon to repay the cheque amount.



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After receipt of the notice, there was no response from the petitioner/accused. Hence, a complaint under Section 138 of the Negotiable Instruments Act was filed before the trial Court.

3.The trial court, by judgment, dated 23.08.2023 made in C.C.No.53 of 2021 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo simple imprisonment for a period of one year and directed to pay a compensation of Rs.30,00,000/- to the first respondent, in default to undergo simple imprisonment for a period of two months. Aggrieved by the judgment of the trial court, the petitioner preferred the appeal before the Principal Sessions Judge, Dindigul, which was taken on file in C.A.No.114 of 2023 and while moving suspension of sentence, the learned Principal Sessions Judge, Dindigul suspended the sentence imposed by the learned Judicial Magistrate, Fast Track Court (J.M.Level), Palani in C.C.No.53 of 2021 on 23.08.2023, with certain conditions., vide order, dated 17.10.2023 in Crl.M.P No.3872 of 2023.

4.The learned Principal Sessions Judge, Dindigul, while granting suspension of sentence, imposed the conditions upon the



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petitioner. One of the conditions (1) is that '*the petitioner is directed to deposit 20% of the cheque amount before the learned Judicial Magistrate, Fast Track Court (J.M.Level), Palani on or before 02.11.2023*'. Challenging the first condition imposed on the petitioner in Crl.M.P No.3872 of 2023, by the Principal Sessions Judge, Dindigul, the petitioner filed this Criminal Revision Case.

5. The learned Government Advocate (Crl.side) appearing for the second respondent submitted that after considering the argument and perused the records, the learned Judge rightly imposed the condition against the petitioner and he strongly objected to allow the petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the second respondent and perused the materials available on record.

7. The main grievances of the petitioner is that the condition (1) imposed by the learned Principal Sessions Judge, Dindigul 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



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(1) imposed by the learned Judge is reasonable one and this Court is not inclined to allow this petition.

8. Accordingly this Criminal Revision Case stands dismissed.

However, the petitioner is at liberty to deposit 20% of the cheque amount before the learned Judicial Magistrate, Fast Track Court (J.M.Level), Palani within a period of two weeks from the date of receipt of a copy of this order.

10.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsd

To

- 1.The Principal Sessions Judge,
Dindigul.
- 2.The Judicial Magistrate, Fast Track Court (J.M.Level),
Palani.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

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