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Crl.RC.No.151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.151 of 2023
and
Crl.M.P.Nos.1154 and 5037 of 2023

N.Makizhan

...Petitioner

Vs.

1. Karthikeyan

2. The Public Prosecutor,
District Court, Coimbatore

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w.401 of Code of Criminal Procedure to set aside the order passed in C.M.P.No.5761 of 2022 in C.A.No.89 of 2022 on the file of III Additional District Judge of Coimbatore dated 15.12.2022.

For Petitioner : Mr.R.Pushpalatha

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side) for R2

Mr.A.Suresh for R1



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ORDER

This Criminal Revision petition has been filed against the order passed in C.M.P.No.5761 of 2022 in C.A.No.89 of 2022 on the file of the learned III Additional District Judge of Coimbatore dated 15.12.2022.

2. It is the case of the prosecution that the petitioner was convicted by the trial Court in C.C.No.549 of 2015 by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level-I, Coimbatore for the offence u/s.138 of Negotiable Instruments Act, 1881 and was ordered to pay a compensation of Rs.39 Lakhs and was sentenced to undergo nine months simple imprisonment. Aggrieved over the same, the petitioner filed an appeal along with a petition seeking suspension of sentenced in C.M.P.No.4651 of 2022 in C.A.No.89 of 2022 on the file of learned Principal District and Sessions Judge, Coimbatore. By an order dated 19.09.2022, the trial Court has suspended the sentence of the petitioner till the disposal of the appeal filed by him on condition to deposit a sum of Rs.7,80,000/- before the Court below on or before 17.11.2022 failing which the Magistrate concerned was directed to take necessary steps to secure the petitioner. Pursuant to the said petition, the petitioner filed another petition in C.M.P.No.5761 of 2022 in



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C.A.No.89 of 2022 seeking extension of time to comply with the conditions imposed by the trial Court vide order dated 19.09.2022 and the same was dismissed on the ground that the abovesaid amount has not been paid within the prescribed time limit and directed the petitioner to surrender before the learned Judicial Magistrate, Fast Track Court No.1, Coimbatore on or before 05.01.2023. Aggrieved by the same, the petitioner has preferred this criminal revision petition along with a petition seeking suspension of sentence.

3. Though very many grounds have been raised in this revision petition, learned counsel for the petitioner submits that the petitioner has made ready the amount and now is ready to deposit the sum of Rs.7,80,000/- to the credit of C.C.No.549 of 2015 within the time frame that may be stipulated by this Court.

4. The learned counsel appearing for the respondents have no serious objection for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the



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materials placed on record.

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6. In view of the fair submission made by the learned counsel appearing for the petitioner, the impugned order passed by the trial Court is set aside. The petitioner is directed to appear before the Judicial Magistrate, Fast Track Court @ Magisterial Level-I, Coimbatore within a period of two weeks from the date of receipt of a copy of this order and deposit the said sum of Rs.7,80,000/- to the credit of C.C.No.549 of 2015 on the file of Judicial Magistrate, Fast Track Court @ Magisterial Level-I, Coimbatore and on such deposit being made, the substantive sentence of imprisonment imposed on the petitioner shall stand suspended on the following conditions:-

(i) The petitioner shall appear before the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore and produce proof of deposit of the aforesaid amount and also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore and on further condition that the petitioner shall appear before the said Court at



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10.30 a.m. on the first working day of every English Calendar month, pending revision. Failing compliance of the above said conditions, the substantive sentence of imprisonment granted by this Court stands dismissed without any further reference.

7. Accordingly, this Criminal Revision petition is allowed in above terms. In view of the order passed in this Criminal Revision petition, the connected miscellaneous petitions are closed.

24.06.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

Office to Note : Issue Order Copy today i.e.,24.07.2024

To

1. III Additional District Judge of Coimbatore.
2. The Public Prosecutor,
Madras High Court.

M.DHANDAPANI, J.

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