



Crl.R.C.(MD) No.326 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.(MD) No.326 of 2024

and

Crl.M.P(MD)No.3726 of 2024

1.M/s.Hi Tech Foams

Madurai Integrated Textile Park,
Vadipatti Post,
Madurai Rep by Managing Partner
X.R.Sahayaraj Baskaran.

2.Sri R.Sahayaraj Baskaran

S/o.M.S.Xavier Rathinam
Managing Partner,
M/s.Hi Tech Foams,
Old No97 New No.85
Nehruji Nagar,
Dindigul – 624 001.



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3.Sri.X.R.Jerom Martin

S/o.M.S Xavier Rathinam

Working Partner,

M/s.Hi Tech Foams,

Old No.97 New No.85

Nehruji Nagar,

Dindigul – 624 001.

...Petitioners

Vs.

M/s.Sri Parameshwari Spinning Mills Pvt. Ltd.,

Rep. by its Finance Manager,

Sri M.Ravi

No.4A, Great Cotton Road,

Pandalgdi – 626 113,

Aruppukottai Taluk

Virudhunagar District.

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397

r/w 401 of Criminal Procedure Code, to call for the records pertaining



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to the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.771 of 2024 in C.A.No.28 of 2024 dated 29.02.2024 and set aside the same, by allowing the Criminal Revision Petition.

For Petitioners : Mr.S.Sarvagan Prabhu

ORDER

This Criminal Revision Case has been filed by the revision petitioner against the order dated 29.02.2024 passed in Crl.M.P.No. 771 of 2024 in C.A.No.28 of 2024 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.

2. The respondent has filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner before the trial Court.



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3. The learned Judicial Magistrate, Aruppukkottai, by Order, dated 30.01.2024 made in C.C.No.284 of 2022 convicted the revision petitioners/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced them to undergo simple imprisonment for a period of six months and directed to pay the cheque amount of Rs.21,56,676/- as compensation to the respondent/complainant, in default, to undergo simple imprisonment for a period of two months. Aggrieved by the order of the trial court, the petitioner has preferred an appeal before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, which was taken on file in C.A.No.28 of 2024 and while moving the Petition for suspension of sentence, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, suspended the sentence imposed by the learned Judicial Magistrate, Aruppukkottai, in C.C.No. 284 of 2022 on 03.01.2024, with certain conditions, by order, dated 29.02.2024 in Cr.M.P.No.771 of 2024 in C.A(MD).No.28 of 2024.



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4. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, while granting suspension of sentence, imposed certain conditions upon the petitioner. One of the condition is that (1) the petitioner is directed to deposit a sum of Rs. 4,31,335/- (Rupees Four Lakhs Thirty One Thousand Three Hundred and Thirty Five only) before the trial Court within 30 days. Aggrieved by the first condition imposed on the petitioner in Cr.M.P.No.771 of 2024 in C.A.No.28 of 2024, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, the petitioner has filed the present Criminal Revision.

5. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

6. This Court considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.



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7. The main grievance of the petitioner is that the condition No.1 imposed by the learned learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in directing the petitioner to deposit the cheque amount within 30 days is onerous. But as per Section 148 of the Negotiable Instruments Act, the condition of deposit imposed by the Court concerned is not reasonable and the period stipulated in the Act to deposit the 20% of the cheque amount is only 60 days and not 30 days as ordered by the Court below and hence, this Court is inclined to allow this Criminal Revision with the above modification.

7. Accordingly this Criminal Revision Case is allowed and the order dated 29.02.2024 passed in Cr.M.P.No.771 of 2024 in C.A.No.28 of 2024, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, is set aside in respect of condition No.1. Accordingly, the petitioner is permitted to deposit the compensation amount as ordered by the learned Judge, within a period of one month from the date of receipt of a copy of this order. Failing



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to comply with the above condition, the suspension of sentence granted by the Court below shall stand automatically cancelled. The other conditions imposed by the Court below shall remain intact. Consequently, connected miscellaneous petition is closed.

26.03.2024

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

RM

Note : Issue order copy on 27.03.2024

Copy to

The Principal District and Sessions Judge,
Virudhunagar District
at Srivilliputhur.



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M.DHANDAPANI, J.

RM

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