



Crl.R.C.(MD) No.327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.327 of 2024

and

Crl.M.P(MD)No.3735 of 2024

B.Selvaraj

...Petitioner

Vs.

K.Poonusamy

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order dated 26.02.2024 in Cr.M.P.No.2095 of 2023 in C.A.No.249 of 2023 on the file of the learned Principal District and Sessions Judge, Karur and set aside the same, by allowing the Criminal Revision Petition.



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For Petitioner : Mr.M.Suresh

ORDER

This Criminal Revision Case has been filed by the revision petitioner against the order dated 26.02.2024 passed in Cr.M.P.No. 2095 of 2023 in Crl.A.No.249 of 2023 on the file of the learned Principal District and Sessions Judge, Karur.

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

3. The learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, by Order, dated 30.11.2023 made in C.C.No. 245 of 2016 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



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pay the cheque amount of Rs.7,00,000/- as compensation to the respondent/complainant within a period of one month, in default to undergo simple imprisonment for a period of one month. Aggrieved by the order of the trial court, the petitioner has preferred the appeal before the learned Principal District and Sessions Judge, Karur, which was taken on file in C.A.No.249 of 2023 and while moving suspension of sentence, the learned Principal District and Sessions Judge, Karur, suspended the sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, in C.C.No. 245 of 2016 on 30.11.2023, with certain condition, by an order, dated 22.12.2023 in Crl.M.P.No.2095 of 2024 in C.A(MD).No.249 of 2023 and the case was posted for “reporting compliance” on 26.02.2024. For non-compliance of conditional order, the suspension of sentence already granted was cancelled.

4. The learned Principal District and Sessions Judge, Karur, while granting suspension of sentence, imposed the certain conditions upon the petitioner. One of the conditions is that (1) the petitioner is



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directed to deposit 25% of the compensation amount before the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, on or before 22.01.2024 and the same was not complied with. For non-compliance of the conditional order, the suspension of sentence already granted was cancelled. Aggrieved over the same, the petitioner has filed the present Criminal Revision.

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

7. The main grievance of the petitioner is that the condition No.1 imposed by the learned learned Principal District and Sessions Judge, Karur, in directing the petitioner to deposit 25% of the cheque amount to the credit of C.C.No.245 of 2016 on the file of the learned



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Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, on or before 22.01.2024 and on such deposit, the sentence shall be suspended, failing which the petition shall stand dismissed automatically. The trial Court has granted one month time, 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 25% 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 26.02.2024 in Cr.M.P.No.2095 of 2023 in C.A.No.249 of 2023 on the file of the learned Principal District and Sessions Judge, Karur, is set aside. The petitioner is permitted to deposit 25% of the compensation amount before the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, within a period of two weeks from the date of receipt of a copy of this order. Failing to



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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.

27.03.2024

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

RM

Copy to

The Principal District and Sessions Judge,

Karur.



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VIVEK KUMAR SINGH, J.

RM

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