



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

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Friday, the Twenty Sixth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.4905 of 2024

IN

CRL RC(MD) No.1278 of 2023

S.SRITHARANSWAMIJI

... PETITIONER / PETITIONER /
PETITIONER / PETITIONER

Vs

R.SOMASUNDRAM

... RESPONDENT / RESPONDENT /
RESPONDENT / RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Extend the time of four weeks to grant deposit 20 Percentage of the compensation amount directed by this Honourable Court in Crl.M.P.(MD).No1660/2024 in Crl.M.P.(MD).No.16349/2024 in Crl.R.C(MD).No.1278/2023

Prayer in CRL RC(MD). 1278/ 2023 :

This Criminal Revision Petition filed under section 397 r/w401 of Cr.P.C praying to take this revision petition on the file and to call for the records from the lower appellate Court and allowed the Revision Petition by setting aside the 1st condition of the order, imposed for suspension of sentence, to deposit 20 percentage of the compensation amount within a month dated 06.10.2023 in Cr.M.P.No.5723 of 2023 in Crl.A.No.98 of 2023 on the file of the Principal District and Sessions Judge, Madurai.

Order : This Criminal Miscellaneous petition coming on for orders on this day, and upon perusing the petition and affidavit filed in support thereof and upon hearing

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the arguments of M/S.SENTHILKUMAR S, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

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This petition has been filed to extend the time of four weeks to deposit 20% of the compensation amount directed by this Court in CrI.M.P.(MD).No.1660 of 2024 in CrI.M.P.(MD).No.16349 of 2024 in CrI.R.C.(MD).No.1278 of 2023.

On 30.11.2023, this Court has passed the following order in CrI.R.C.(MND). No.1278 of 2023:

“This Criminal Revision Case has been filed to take this revision petition on the file and to call for the records from the lower appellate Court and allowed 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.5723 of 2023 in CrI.A.No.98 of 2023, on the file of the learned 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.4,00,000/- (Rupees Forty Lakhs Only) to the petitioner for purchasing land from one



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

3.The trial Court, namely, the learned Judicial Magistrate No.1, Fast Track Court at Magistrate Level, Madurai, by judgment, dated 08.09.2023 made in S.T.C.No.58 of 2019 convicted the revision petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo Simple Imprisonment for a period of one year and directed to pay a compensation of



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Rs.7,00,000/- 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 CrI.A.No.98 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.58 of 2019 on 08.09.2023, with certain condition, vide order, dated 06.10.2023 in CrI.M.P.No.5723 of 2023 in CrI.A.(MD).No.98 of 2023.

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 CrI.M.P.No.5723 of 2023 in CrI.A.(MD).No.98 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 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.

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.1, 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.

2. Though the aforesaid order was passed by this Court, the same has not been



complied with. However, for extension of time the petitioner has filed a petition in CrI.M.P.(MD).No.1660 of 2024, wherein the following order has been passed on 13.02.2024:

This Criminal Miscellaneous Petition has been filed seeking extension of time to comply with the conditions ordered by this Court in CrI.R.C.(MD).No.1278 of 2023, dated 30.11.2023.

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

3.Time for complying the conditions ordered by this Court in CrI.R.C.(MD).No.1278 of 2023 dated 30.11.2023 is extended by two weeks, from the date of receipt of a copy of this order. It is made clear that no further time will be given.

4.This Criminal Miscellaneous Petition is ordered accordingly.

3. Even though an order has been passed at the first instance and though time has been extended for complying the said order neither no compliance has been reported till today, however filing of the present petition for further extension which is perse illegal and this Court is not inclined to grant further extension.



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4. Accordingly, this petition stands dismissed. The learned Judicial Magistrate No.1, Fast Track Court at Magistrate Level, Madurai, is directed to secure the accused and confine him in prison to undergo, the sentence of imprisonment imposed on him in S.T.C.No.58 of 2019, dated 08.09.2023 and report before this Court on 07.06.2024.

5. List this case on 07.06.2024.

Sd/-

Assistant Registrar(CS I)

// True Copy //

29/04/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

sbn
TO

- 1.The Judicial Magistrate No.1, (Magistrate Level)
Fast Track Court, Madurai.
- 2 The Principal District & Sessions Judge, Madurai.
- 3 The IV Additional District & Sessions Judge, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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ORDER
IN
CRL MP(MD) No.4905 of 2024
IN
CRL RC(MD) No.1278 of 2023
Date :26/04/2024

MK/29.04.2024 8P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023