



Crl.O.P.(MD)No.13075 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.13075 of 2023

C.Rajavelu

... Petitioner

Vs.

G.Velladurai

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli in STC No.283 of 2020 vide judgment dated 26.08.2022 with regard to the award of inadequate compensation of Rs.6,00,000/- which has been confirmed by the learned II Additional District and Sessions Judge, Tirunelveli, in Crl.R.C.No.1 of 2023 vide judgment dated 19.04.2023 and consequently enhance the compensation as Rs.12,00,000/- to be paid by the respondent with a default clause while marinating the conviction and substantial sentence of imprisonment.

For Petitioner : Mr.M.Gregory Retnaraj

For Respondent : No appearance



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ORDER

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This petition has been filed challenging the order passed by the Court below in Crl.R.C.No.1 of 2023, dated 19.04.2023, confirming the punishment imposed by the trial Court in S.T.C.No.283 of 2020 dated 26.08.2022 and refusing to enhance the punishment as sought for by the petitioner.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3.The petitioner is the complainant. The petitioner filed the private complaint against the respondent for offence under Section 138 of the Negotiable Instruments Act, 1881. After trial, the learned Judicial Magistrate No.II, Tirunelveli, through judgment dated 26.08.2022 in S.T.C.No.283 of 2020 convicted the respondent and imposed punishment of six months simple imprisonment and a total compensation of Rs.6,00,000/- which was equivalent to the cheque amount payable within a period of two months.



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4.The petitioner was not satisfied with the punishment imposed by the trial Court and sought for enhancement of punishment by filing Crl.R.C.No.1 of 2023 before the III Additional District and Sessions Judge, Tirunelveli. The revision Court was not able to find any illegality in the punishment imposed by the trial Court and accordingly, the revision petition was dismissed by order dated 19.04.2023. Aggrieved by the same, the present petition has been filed before the Court.

5.In the considered view of this Court, punishment imposed by the trial Court can be interfered only if it is a flea bite punishment which is not in line with the gravity of the offence. The trial Court had imposed imprisonment of six months and had directed the cheque amount to be paid as compensation. The trial Court has the discretion to direct the cheque amount to be paid as compensation or can also impose a maximum compensation of twice the cheque amount. It is not necessary that in every case twice the cheque amount has to be directed to be paid as compensation. This Court finds that the punishment



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imposed by the trial Court is reasonable and does not require the interference of this Court.

6.It is also brought to the notice of this Court that the judgment passed by the trial Court was put to challenge by the accused person and it was also confirmed in appeal. Thereafter, a criminal revision petition has been filed before this Court and the same is pending.

7.In the result, this Criminal Original Petition stands dismissed.

21.11.2024

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



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N.ANAND VENKATESH,J.

PKN

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