



CRL.R.C.(MD).No.798 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD)No.798 of 2024

Ananthakannan

: Petitioner

Vs.

Santhi

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 and 442 Bharatiya Nagarik Suraksha Sanhita 2023, to call for the entire relevant records pertaining to the impugned order passed by the learned Principal Sessions Judge, Thoothukudi in CrI.M.P.No.4917 of 2024 in C.A.No.144 of 2024, dated 01.08.2024 consequentially set aside and modify the one of the impugned condition to deposit the 20% of the amount in CrI.M.P.No.4917 of 2024 in C.A.No.144 of 2024, dated 01.08.2024 on the file of the learned Principal Sessions Judge, Thoothukudi.

For Petitioner : Mr.P.Pon Raj



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ORDER

The Criminal Revision Case is directed against the order, dated 01.08.2024 in CrI.M.P.No.4917 of 2024 in C.A.No.144 of 2024, on the file of the learned Principal Sessions Judge, Thoothukudi.

2. The respondent has filed a complaint under Section 200 Cr.P.C., against the petitioner for the offence under Sections 138 and 142 of Negotiable Instruments Act and the case was taken on file in C.C.No.1 of 2022 and the learned Judicial Magistrate, Fast Tract Court (Magisterial Level) Kovilpatti, after trial, has passed the judgment, dated 28.06.2024, convicting the petitioner and sentenced him to undergo six months simple imprisonment and to pay compensation of Rs.11,00,000/-. Aggrieved by the said judgment of conviction, the petitioner has preferred an appeal in C.A.No.144 of 2024 and the same is pending on the file of the learned Principal Sessions Judge, Thoothukudi and he has also filed an application to suspend the sentence of imprisonment and compensation and the learned Principal Sessions Judge, in Cr.M.P.No.4917 of 2024, while suspending the sentence, has directed the petitioner to deposit 20% of the



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compensation before the trial Court within a period of one month from the date of receipt of copy of that order. Aggrieved by the impugned condition to deposit 20% of compensation, the present Criminal Revision came to be filed.

3. Section 148 of the Negotiable Instruments Act contemplates that in an appeal by the drawer against conviction under Section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the Trial Court.

4. No doubt, as rightly contended by the learned counsel for the petitioner, the word used in the Section is 'may', but only indicates that it is the discretion of the concerned Court and the learned Magistrate by exercising his discretion has directed to deposit 20% of compensation.

5 Considering the above, the impugned condition to deposit 20% of compensation cannot be found fault with. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.



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6. At this juncture, the learned counsel for the petitioner would submit that the petitioner may be given some more time to deposit the amount as directed by the trial Court.

7. In the result, the Criminal Revision Case is dismissed. Considering the above submission made by the learned counsel for the petitioner, the petitioner is directed to deposit the amount within a period of one month from the date of receipt of copy of this order.

23.08.2024

NCC : yes/No

Index : yes/No

Internet : yes/No

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To

1.The Principal Sessions Judge,
Thoothukudi.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

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