



Crl.RC.(MD)Nos.930 & 931 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.RC.(MD)Nos.930 & 931 of 2024
and
Crl.MP.(MD)Nos.10274 & 10276 of 2024

A.Arunkrishnan

... Petitioner

Vs.

1.John Bosco

... Respondent in Crl.RC.(MD)No.930 of 2024

2.N.Maggi

... Respondent in Crl.RC.(MD)No.931 of 2024

PRAYER : Criminal Revision Cases filed under Section 438 r/w 442 BNSS, to call for the records of the order passed by the learned II Additional District and Sessions Judge, Tiruchirapalli in Cr.M.P.Nos. 3104 & 3105 of 2024 in Crl.Appeal Nos.47 & 48 of 2024 dated 16.07.2024 set aside and modify the condition No.2 of the 20% depositions of the cheque amount for absolution of the interim bail.

For Petitioner : Mr.P.R.Harikumar
(In both Crl.RCs.)



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COMMON ORDER

These criminal revision cases are directed against the order passed in Cr.M.P.Nos.3104 & 3105 of 2024 in Crl.Appeal Nos.47 & 48 of 2024 dated 16.07.2024, wherein the learned appellate Judge directed the petitioner to deposit 20% of the cheque amount, while suspending the sentence imposed by the learned Judicial Magistrate No.II, Trichy.

2.It is evident from the records that the respondents filed complaints against the petitioner for the offence under Section 138 of the Negotiable Instruments Act and the learned Judicial Magistrate, after full-fledged trial, has passed judgment of conviction convicting the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also pay a fine of Rs.48,00,000/- in default to undergo six weeks in C.C.No.186 of 2017 and further, has passed judgment of conviction convicting the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also pay a



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fine of Rs.32,00,000/- in default to undergo six weeks in C.C.No.187 of 2017. Challenging the same, the petitioner preferred appeals and are pending before the learned II Additional District and Sessions Judge, Tiruchirappalli in Crl.Appeal No.47 & 48 of 2024 and he has also filed applications in Crl.M.P.No.3104 & 3105 of 2024 for suspending the sentence and the learned Judge, after enquiry, has passed the impugned orders dated 16.07.2024 suspending the sentence on condition that the petitioner has to be deposit 20% of the cheque amount for each case. Aggrieved by the said conditions, the present revisions came to be filed.

3.The main contention of the petitioner is that the petitioner is the person of no means and the learned Magistrate without considering the above material aspect, has imposed the conditions. Except the same, the petitioner has not raised any reason or ground to impugn the order passed by the learned Appellate Judge.

4.Considering the above facts and circumstances of the case and taking note of the fact that the trial Court has awarded compensation of Rs.48 Lakhs and Rs.32 Lakhs in both cases (doubling the cheque amount) the conditions imposed by the learned II Additional District and



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Sessions Judge, Tiruchirappalli in directing the petitioner to deposit 20% of the cheque amount cannot be found fault with.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be granted further time to comply with the directions of the Appellate Court.

6.In the result, these criminal revision cases are dismissed. The petitioner is directed to deposit the amount as directed by the learned Appellate Judge, within a period of thirty days from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

30.09.2024

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

To

II Additional District and Sessions Judge, Tiruchirappalli



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K.MURALI SHANKAR,J.

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