



Crl.R.C.(MD)No.1243 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1243 of 2024

Meenatchi

... Petitioner

Vs.

Umar Farook

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records in Cr.M.P.No.1 of 2024 in C.A.No.53 of 2024 on the file of the Principal District and Sessions Court, Ramanathapuram dated 20.09.2024 and modify the 3rd condition on the same.

For Petitioner : Mr.R.Babu Jaganath

ORDER

The present Criminal Revision Case has been filed to modify the condition No.3 of the order, dated 20.09.2024, in Cr.M.P.No.1 of 2024 in C.A.No.53 of 2024 passed by the learned Principal Sessions Judge, Ramanathapuram.



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2. The petitioner was convicted by the trial Court for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced her to undergo simple imprisonment for a period of one year and to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) as compensation to the respondent/complainant, in default, to undergo simple imprisonment for a period of three months. Challenging the above said conviction and sentence, she preferred an appeal in C.A.No.53 of 2024, along with a petition filed under Section 430 of BNSS seeking suspension of sentence, before the learned Principal Sessions Judge, Ramanathapuram.

3. On 20.09.2024, the learned Principal Sessions Judge has allowed the petition in Cr.M.P.No.1 of 2024 and granted the relief of suspension of sentence to the petitioner/accused on the following conditions :

“(i) that the petitioner/accused shall execute a bond for sum of Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Mudukulathur.

(ii) After let in bail the petitioner has to deposit 20% of the compensation amount Rs.8,00,000/- (Rs.8,00,000 x 20% =



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Rs.1,60,000/-) within two month from today before the learned Judicial Magistrate, Mudukulathur on or before 20.11.2024 and the said amount has to be kept in Crl.C.D and in the event of non-depositing of the 20% of compensation amount as required U/s.148(1) of N.I.Act, the bail order shall stand cancelled automatically.

(iii) The petitioner/accused is directed to report before the appellate Court on every 1st working day of English Calender month at 10.30 a.m., until disposal of the appeal and also directed to co-operate with appeal proceedings.”

4. Aggrieved by the aforesaid condition No.3 of the order, this Criminal Revision Case has been presented before this Court.

5. The learned counsel for the petitioner also submitted that the petitioner has already deposited 20% of the compensation amount i.e. a sum of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only) in pursuant to the order of the learned Principal Sessions Judge, Ramanathapuram. Further, he submitted that the petitioner is a lady and her husband is suffering from kidney disease and he is taking dialysis treatment once in two days, and since she has to take care of her husband, she is unable to comply with the condition imposed on her.



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6. Considering the facts and circumstances of the case, and also considering the medical records of the petitioner's husband that were produced before this Court by the learned counsel, this Court is inclined to modify the condition No.3 of the order passed by the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.1 of 2024 dated 20.09.2024.

7. Accordingly, this Criminal Revision Case is allowed, and the condition No.3 imposed by the appellate Court is hereby modified as follows :

“3. The petitioner/accused shall appear before the trial Court as well as the appellate Court as and when required.”

8. All other conditions imposed by the appellate Court shall remain unaltered.

29.11.2024

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



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- 1.The learned Principal Sessions Judge,
Ramanathapuram
- 2.The learned Judicial Magistrate,
Mudukulathur



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P.VADAMALAI, J.

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