



Crl.R.C.(MD) No.1428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.1428 of 2023

M.Deepak Dahayanal

...Petitioner

Vs.

P.Arunachalam

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the condition, directing the petitioner to deposit a sum of Rs.2,00,000/- before the learned Judicial Magistrate Fast Track Court, (Magisterial Level), Thoothukudi within one month, vide order dated 04.12.2023 passed in Cr.M.P.No.7830 of 2023 in Crl.A.No.228 of 2023 on the file of the learned Principal Sessions Judge, Thoothukudi, by allowing the Criminal Revision Petition.



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For Petitioner : Mr.R.Ilayaraja

For Respondent : Mr.C.Jeganathan

ORDER

This Criminal Revision Case has been filed by the revision petitioner against the order dated 04.12.2023 passed in Cr.M.P.No. 7830 of 2023 in Crl.A.No.228 of 2023 on the file of the learned Principal Sessions Judge, Thoothukudi.

2. The respondent has filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner before the trial Court.

3. The learned Judicial Magistrate, Fast Track Court at Magistrate Level, Thoothukudi, by Order, dated 03.11.2023 made in C.C.No.17 of 2017 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo simple imprisonment for a period of one year



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and directed to pay the cheque amount of Rs.14,15,000/- as compensation to the respondent/complainant within a period of one month, in default to undergo simple imprisonment for a period of two months. Aggrieved by the order of the trial court, the petitioner has preferred the appeal before the learned Principal District and Sessions Judge, Thoothukudi, which was taken on file in Crl.A.No.228 of 2023 and while moving suspension of sentence, the learned Principal District and Sessions Judge, Thoothukudi, suspended the sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Thoothukudi, in C.C.No.17 of 2017 on 03.11.2023, with certain condition, by an order, dated 04.12.2023 in Crl.M.P.No. 7830 of 2023 in C.A(MD).No.228 of 2023.

4. The learned Principal District and Sessions Judge, Thoothukudi, while granting suspension of sentence, imposed the certain conditions upon the petitioner. One of the conditions is that (1) the petitioner is directed to deposit 20% of the cheque amount i.e., Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Judicial



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Magistrate, Fast Track Court at Magistrate Level, Thoothukudi within a month. Aggrieved by the first condition imposed on the petitioner in Crl.M.P.No.7830 of 2023 in C.A.No.228 of 2023, by the learned Principal District and Sessions Judge, Thoothukudi, the petitioner has filed the present Criminal Revision.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

6. The main grievance of the petitioner is that the condition No.1 imposed by the learned learned Principal District and Sessions Judge, Thoothukudi, in directing the petitioner to deposit 20% of the cheque amount i.e., Rs.2,00,000/- (Rupees Two Lakhs only) is onerous. But as per Section 148 of the Negotiable Instruments Act, the condition of deposit imposed by the Court concerned is reasonable and hence, this Court is not inclined to allow this Criminal Revision.



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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, Fast Track Court at Magistrate Level, Thoothukudi, within a period of one month from the date of receipt of a copy of this order.

13.02.2024

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

RM



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VIVEK KUMAR SINGH, J.

RM

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