



Crl.R.C.(MD)No.428 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.428 of 2025

and

Crl.M.P.(MD)No.4364 of 2025

S.Selvamanoharan

... Petitioner

Vs.

V.Rajan

... Respondent

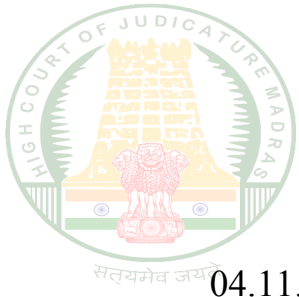
PRAYER : Criminal Revision Case filed under Section 438 and 442 B.N.S.S., to call for the records and set aside the condition imposed upon the petitioner by modifying the order, dated 04.11.2024, passed in Crl.M.P.No.3905 of 2024 in C.A.No.135 of 2024, on the file of the Court of Principal Sessions Judge, Kanyakumari District.

For Petitioner : Mr.J.John Jayakumar

For Respondent : Mr.M.Dennis Joe

ORDER

The Criminal Revision is directed against the impugned condition imposed in Crl.M.P.No.3905 of 2024 in Crl.A.No.135 of 2024 dated



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04.11.2024 on the file of the Principal Sessions Court, Kanyakumari District @ Nagercoil, wherein, the petitioner was directed to deposit 20% of the total compensation on or before 31.12.2024.

2. It is evident from the records that the learned Magistrate, after trial, has passed a judgment dated 30.08.2024 convicting the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 12 months simple imprisonment and to pay a compensation of Rs.9 lakhs. Challenging the same, the petitioner has preferred an appeal before the Principal Sessions Court, Kanyakumari District @ Nagercoil in Crl.A.No.135 of 2024 and also moved an application for suspension of sentence. The learned Principal Sessions Judge, while suspending the sentence, has imposed the impugned condition directing the petitioner to deposit 20% of the total compensation amount.

3. As per Section 148 of Negotiable Instruments Act, the appellate Court can direct the accused to deposit a portion of the compensation amount and as per the said Section, the minimum amount is 20% of the



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fine or compensation awarded by the trial Court. In the present case, the learned Appellate Judge has only directed the petitioner to deposit 20% of the compensation amount, which is very much reasonable and the same cannot said to be excessive.

4. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be granted some more time to comply with the order of the learned Appellate Judge.

5. Considering the above, the petitioner is directed to comply with the order of the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil dated 04.11.2024, on or before **23.04.2025**.

6. With the above direction, this Criminal Revision Case stands disposed of. Consequently, connected Miscellaneous Petition is closed.

07.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

csm

Note : Issue order copy on or before 15.04.2025

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K.MURALI SHANKAR,J.

csn

To
1.The Principal Sessions Judge,
Kanyakumari District @ Nagercoil.

Order made in
Crl.R.C.(MD)No.428 of 2025
and
Crl.M.P.(MD)No.4364 of 2025

Dated: 07.04.2025