



Crl.R.C.(MD)No.460 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.460 of 2025

S.Joseph Sebastian Prasanna

... Petitioner

Vs.

V.K.Sakthivel

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the Principal District and Session Judge, Karur in Cr.M.P.No.969 of 2024 in C.A.No.151 of 2024 vide order dated 15.11.2024 and set aside the same by allowing this criminal revision petition.

For Petitioner : Mr.K.Arunraj

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.969 of 2024 in Crl.A.No.151 of 2024 dated 15.11.2024 on the file of the Principal District and Sessions Court, Karur, dismissing



Crl.R.C.(MD)/No.460 of 2025

WEB COPY

the petition filed under Section 389(1) Cr.P.C. seeking suspension of sentence.

2. It is evident from the records that the respondent has filed a private complaint under Section 200 Cr.P.C. against the petitioner for the offence under Section 138 of Negotiable Instruments Act, that the learned Magistrate, after trial, has passed a judgment in S.T.C.No.326 of 2021 dated 28.06.2024 convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay compensation of Rs.7,00,000/- within one month, in default, to undergo 1 month simple imprisonment, that the petitioner aggrieved by the conviction judgment has preferred an appeal in Crl.A.No.151 of 2024 and also moved an application for suspension of sentence, that the learned Principal Sessions Judge vide order dated 09.09.2024 while suspending the sentence has imposed a condition directing the petitioner to deposit 25% of the compensation amount on or before 14.10.2024, that subsequently, at the request of the petitioner's counsel, the case was adjourned to 15.10.2024, 28.10.2024, 06.11.2024, 11.11.2024 and lastly on 15.11.2024 for reporting



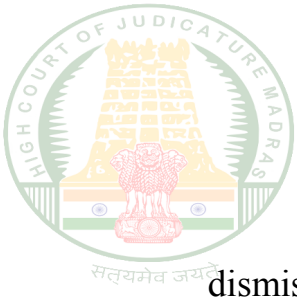
Crl.R.C.(MD)No.460 of 2025

WEB COPY

compliance and that since the petitioner has not complied with the said direction despite getting sufficient opportunities, the learned Principal Sessions Judge has proceeded to dismiss the petition and thereby cancelled the suspension of sentence already granted.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit some more amount as directed by this Court and the petitioner may be granted sufficient time to deposit the amount.

4. Considering the above facts and circumstances and also taking note of the non-compliance of the order of the learned Principal Sessions Judge from 09.09.2024, the petitioner is to be directed to deposit 40% of the compensation amount. Accordingly, this Criminal Revision Case stands allowed and the impugned order dated 15.11.2024 is set aside on condition that the petitioner shall deposit 40% of the compensation amount to the credit of S.T.C.No.326 of 2021 on the file of the Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur on or before 30.04.2025, failing which, this Civil Revision Petition shall stand



Crl.R.C.(MD)No.460 of 2025

WEB COPY

dismissed automatically without further reference to this Court. If the petitioner deposit the said amount on or before 30.04.2025, he will be entitled to enjoy the privilege of suspension of sentence ordered by the appellate Court on 09.09.2024. No costs.

09.04.2025

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

Note :Issue order copy on or before 21.04.2025

To

- 1.The Principal District and Sessions Judge,
Karur.
- 2.The Judicial Magistrate,
(Fast Track Court at Magisterial Level),
Karur.



WEB COPY



Crl.R.C.(MD)No.460 of 2025



WEB COPY



CrI.R.C.(MD)No.460 of 2025

K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.460 of 2025

Dated: 09.04.2025