



Crl.R.C.(MD)No.1128 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1128 of 2024
and
Crl.M.P.(MD)No.12097 of 2024

R.Nallappan

... Petitioner

Vs.

B.Dharmaraj

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order in Cr.M.P.No.5801 of 2023 dated 09.11.2023 in C.A.No.144 of 2023 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in so far as the portion imposing a (I) condition to the petitioner to deposit a sum of Rs.2,68,230/- in S.T.C.No.379 of 2022 on the file of the Judicial Magistrate No.II, Sivakasi and to set aside the same and allow this criminal revision petition.

For Petitioner : Mrs.S.Mahalakshmi

For Respondent : No appearance



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ORDER

The Criminal Revision is directed against the condition imposed in Cr.M.P.No.5801 of 2023 in Crl.A.No.144 of 2023 dated 09.11.2023 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, directing the petitioner to deposit Rs.2,68,230/-.

2. It is evident from the records that the petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act by the learned Judicial Magistrate No.2, Sivakasi, wherein, he was sentenced to undergo eight months simple imprisonment and to pay compensation of Rs.5,36,460/- within three months under Section 357(3) Cr.P.C., in default, to undergo two months simple imprisonment. Challenging the said conviction, the petitioner has preferred an appeal in Crl.A.No.144 of 2023 and also moved an application for suspension of sentence and the learned Principal Sessions Judge, while suspending the sentence, has imposed condition directing the petitioner to deposit 50% of the compensation amount i.e., Rs.2,68,230/-.



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3. The learned counsel appearing for the petitioner would submit that the petitioner was doing lorry transport business and since the same ended at loss, he is working as a driver in a private school and he has no means whatever to pay the amount as directed by the learned appellate Judge.

4. Despite receipt of Court notice, the respondent has not turned up.

5. Considering the above facts and circumstances of the case and also taking note of the submission made by the learned counsel appearing for the petitioner, this Court is inclined to reduce the amount ordered by the learned Principal Sessions Judge and the petitioner is to be directed to deposit 30% of the compensation amount. Accordingly, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, made in Crl.M.P.No.5801 of 2023, dated 09.11.2023 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner shall deposit 30% of the compensation amount i.e., **Rs.1,60,938/- (Rupees One Lakh Sixty**



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Thousand Nine Hundred and Thirty Eight only) before the trial Court on or before **19.03.2025**. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, shall remain unaltered.

6. With the above modification, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.
No costs.

13.02.2025

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

Note :Issue order copy on 14.02.2025

To

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.
- 2.The Judicial Magistrate No.2,
Sivakasi.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.1128 of 2024
and
Crl.M.P.(MD)No.12097 of 2024

Dated: 13.02.2025