



Crl.R.C.(MD)No.541 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.541 of 2025

M.Mahesh

... Petitioner

Vs.

R.Eswaramurthy

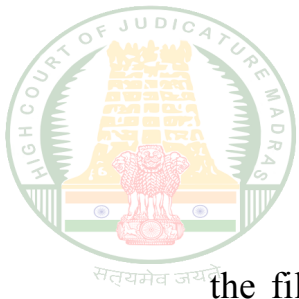
... Respondent

PRAYER : Criminal Revision filed under Section 438 & 442 B.N.S.S., to call for the records pertaining to the order dated 01.04.2025 passed by the Principal District and Sessions Judge, Karur in Crl.M.P.No.1185 of 2024 in C.A.No.166 of 2024 dismissing the suspension of sentence granted on 18.10.2024 for non-compliance of condition and set aside the same.

For Petitioner : Mr.V.Nagarajan

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1185 of 2024 in Crl.A.No.166 of 2024 dated 01.04.2025 on



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the file of the Principal District and Sessions Court, Karur, dismissing 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.778 of 2021 dated 21.08.2024 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.8,00,000/- 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.166 of 2024 and also moved an application for suspension of sentence and that the learned Principal Sessions Judge vide order dated 18.10.2024 while suspending the sentence has imposed a condition directing the petitioner to deposit 25% of the compensation amount on or before 19.11.2024, failing which the petition shall stand dismissed automatically. Aggrieved by the said order, the petitioner



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preferred a revision before this Court in Crl.R.C.(MD)No.1256 of 2024 mainly challenging the condition to deposit 25% of the compensation amount and this Court vide order dated 02.12.2024 modified the condition directing the petitioner to deposit 20% of the compensation amount within a period of one month from the date of receipt of a copy of that order.

3. It is further evident from the records that the petitioner has filed a memo before the learned Principal Sessions Judge seeking 15 days further time to deposit the amount and the learned Principal Sessions Judge, by observing that though the petitioner is well aware of the order passed by the High Court on 04.12.2024, he has not chosen to comply with the said order and on that ground, proceeded to dismiss the petition as condition was not complied with and thereby cancelled the suspension of sentence already granted. Challenging the said order, the present revision came to be filed.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner may



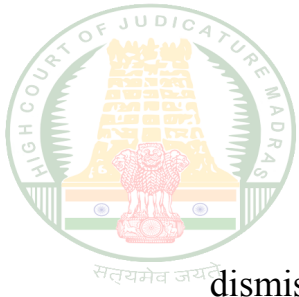
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be granted 15 days time for depositing the 20% of the compensation amount. But the fact remains that originally the learned Principal Sessions Judge has suspended the sentence vide order dated 18.10.2024 and thereafter despite taking so much time, the petitioner has not chosen to comply with the directions.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit some more amount as fixed by this Court within the time stipulated.

6. Considering the above facts and circumstances and also taking note of the submission made by the learned counsel appearing for the petitioner, the petitioner is to be directed to deposit 30% of the compensation amount. Accordingly, this Criminal Revision Case stands allowed and the impugned order dated 01.04.2025 is set aside on condition that the petitioner shall deposit 30% of the compensation amount to the credit of S.T.C.No.778 of 2021 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur on or before 09.05.2025, failing which, this Criminal Revision case shall stand



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dismissed automatically without further reference to this Court. If the petitioner deposit the said amount on or before 09.05.2025, he will be entitled to enjoy the privilege of suspension of sentence ordered by the appellate Court on 18.10.2024. No costs.

28.04.2025

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

Note :Issue order copy on or before 05.05.2025

To

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



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.541 of 2025

Dated: 28.04.2025