



Crl.R.C.(MD)No.923 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.923 of 2025

and

Crl.M.P(MD)No.9790 of 2025

Savithiri

... Petitioner/Petitioner/
Appellant

Vs.

P.Boominathan

... Respondent/Respondent/
Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of BNSS, to call for the records pertaining the to the sentence suspension order in Cr.M.P.No.1123/2025 in C.A.No.166/2025 dated 09.07.2025 on the file of the Learned District and Sessions Judge, Karur and set aside the condition no.2 that the petitioner/appellant shall deposit 25% of the compensation amount before the Trial Court within 60 days as per Section 148 of the Negotiable Instruments Act.

For Petitioner : Mr.V.Sasikumar



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ORDER

Challenging the order passed by the District and Sessions Judge, Karur in Crl.M.P.No.1123 of 2025 in C.A.No.166 of 2025, in which the learned District and Sessions Judge had directed the petitioner to deposit 25% of the compensation amount before the Trial Court within a period of 60 days as per Section 148 of the Negotiable Instrument Act, which has been amended by Amendment Act 20 of 2018 which came into force with effect from 01.09.2018, this criminal revision case has been filed.

2. The learned counsel for the petitioner submitted that in a petition filed by the petitioner under Section 430 (1) of BNSS, 2023 and 389(1) of Cr.P.C seeking to suspend the sentence of conviction imposed on him in C.C.No.538 of 2018, dated 10.06.2025 by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur, the learned District and Sessions Judge, Karur had allowed the petition with a condition directing the petitioner to deposit 25% of the compensation amount before the Trial Court within a period of 60 days. Since the petitioner is challenging the financial capacity of the



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respondent/complainant, the question of directing the petitioner to deposit 25% of compensation amount before the Trial Court for the purpose of suspending the sentence will not arise. For which, he relied upon the case of *Jamboo Bhandari Vs. Madhya Pradesh State Industrial Development Corporation Limited and others* reported in *2024 1 SCC (Cri) 90* and he categorically submitted that the Hon'ble Apex Court has held in the aforesaid case that a purposive interpretation should be made of Section 148 of the Negotiable Instrument Act and hence, normally the appellate Court will be justified in imposing the condition of deposit as provided in Section 148 of the Negotiable Instrument Act. However, in a case where the appellate Court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition, the same would amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded. Taking cue from the aforesaid judgment, the learned counsel insisted that even in his case, having challenged the financial capacity of the respondent / complainant, the learned first appellate Court failed to consider Exhibit X.1 which has been marked already before the learned Trial Court, which is the statement of accounts of the complainant for the



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period from 01.01.2016 to 31.12.2016 maintained by him in Canara Bank, Karur Main Branch. Without considering the same, the learned Judge had directed the petitioner to deposit 25% of the compensation amount. In a case where the financial capacity of the complainant itself is challenged, there cannot be any justification in directing the petitioner herein to deposit 25% of the compensation amount and he pointed out that this case would be an exception for the reason putforth by him as held by the Hon'ble Supreme Court. However, the learned counsel for the petitioner also pointed out that the complainant had admitted in his cross examination that his annual income is just Rs.6,00,000/- per annum. On such condition, it is at his responsibility to prove his financial capacity that an amount of Rs.6,00,000/- has been given by him to the petitioner herein.

3. Heard the learned counsel for the petitioner and carefully perused the material available on record. Considering the limited scope of the revision case, notice to the respondent is dispensed with.



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4. This Court is of the considered view that Exhibit X.1 alone would not suffice to arrive at a conclusion as to the financial capacity of the complainant. Accordingly, I do not find that the case of the petitioner would fall under an exceptional case which would be squarely covered by the judgment of the Hon'ble Supreme Court in ***Jamboo Bhandari Vs. Madhya Pradesh State Industrial Development Corporation Limited and others*** reported in ***2024 1 SCC (Cri) 90*** and hence, this Court is inclined to modify the order passed by the learned District and Sessions Judge, Karur by directing the petitioner to deposit 10% of the compensation amount before the learned Trial Court within a period of 60 days from the date of receipt of copy of this order.

5. Accordingly, this Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is closed.

25.07.2025

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



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To

- 1.The District and Sessions Judge,
Karur.
- 2.The Judicial Magistrate,
Fast Track Court @ Magisterial Level,
Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J.

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Order made in
Crl.R.C.(MD)No.923 of 2025

Dated: 25.07.2025