



Crl.R.C.(MD)No.262 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.262 of 2025

R.Shyam Sundar

... Petitioner

Vs.

J.Dhinakaran

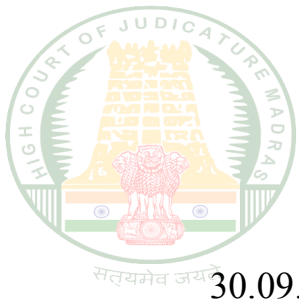
... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the entire records pertaining to the order passed by the learned Principal Sessions Judge, Madurai in Crl.M.P.No.5296 of 2024 in C.A.No.191 of 2024 dated 30.09.2024 and set aside the onerous condition to deposit a sum of Rs.2,40,000/- within a period of one week imposed by the learned Principal Sessions Judge, Madurai District.

For Petitioner : Mr.R.L.Dilipan Pandian
for Mr.S.Arokiya Selva Ramesh

ORDER

The Criminal Revision is directed against the impugned condition made in Crl.M.P.No.5296 of 2024 in Crl.A.No.191 of 2024 dated



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30.09.2024 on the file of the Principal Sessions Court, Madurai, wherein, the petitioner was directed to deposit 20% of the compensation amount within a month.

2. It is evident from the records that the learned Magistrate, after trial, has passed a judgment dated 29.08.2024 convicting the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 10 months simple imprisonment and to pay a compensation of Rs.12 lakhs. Challenging the same, the petitioner has preferred an appeal before the Principal Sessions Court, Madurai in Crl.A.No.191 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 compensation amount.

3. The learned counsel appearing for the petitioner would himself admit that the petitioner filed extension petitions two times but still he is not in a position to arrange the funds. He would further submit that the cheque amount is Rs.10 lakhs but the learned Magistrate has awarded



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compensation of Rs.12 lakhs. But the fact remains that as per Section 138 of Negotiable Instruments Act, the learned Magistrate is having power to award compensation twice the cheque amount.

4. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be directed to deposit the said amount within the time stipulated by this Court.

5. Considering the facts and circumstances and also taking note of the submission made by the learned counsel appearing for the petitioner, the petitioner is directed to deposit the amount as directed by the learned Principal Sessions Judge, Madurai, on or before **17.03.2025**.

6. With the above direction, this Criminal Revision Case is disposed of.

28.02.2025

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

Note : Issue order copy on 03.03.2025



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K.MURALI SHANKAR,J.

csn

To
1.The Principal Sessions Judge,
Madurai.

Order made in
Crl.R.C.(MD)No.262 of 2025

Dated: 28.02.2025