

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Apr-15-2016

Judge : M. Venugopal

Appeal No. : Cr.M.P.No. 4397 of 2016 in Crl.R.C.No. 631 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard the Learned counsel for the Petitioner.

2. The Petitioner/Accused has preferred the instant Criminal Revision Petition before this Court as against the judgment dated 08.02.2016 in Crl.A.No.54 of 2013 passed by the Learned Additional District and Sessions Judge, Hosur, Krishnagiri, confirming the judgment dated 19.11.2013 in S.T.C.No.146 of 2012 passed by the Learned Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri, sentencing him to undergo 6 months Simple Imprisonment under Section 138 of N.I. Act, 1882 and directing him to pay a compensation of Rs.1,00,000/- within a period of one month in terms of Section 357 of Cr.P.C.

3. The Petitioner/Accused has preferred the instant Criminal Revision Petition being aggrieved against the judgment dated 8.02.2016 in CrI.A.No.54 of 2013 passed by the Learned Additional District and Sessions Judge, Hosur, Krishnagiri primarily contending that the conviction imposed by the trial Court as well as the Appellate Court in terms of 138 of N.I.Act are against Law, weightage of evidence and all probabilities of the case.

4. The Learned counsel for the Petitioner/Accused takes a plea that the Respondent/Complainant does not have a wherewithal to lend such a huge sum and also that the trial Court had failed to appreciate that the onus casted in terms of 139 of N.I. Act is not as burdensome as that is casted on the prosecution in respect of other penal offences. Furthermore, on perusal of the various other grounds raised in the Revision Petition by the Petitioner/Accused, this Court is of the considered opinion that the Petitioner/Accused has made some substantial/arguable points which are to be looked into by this Court and determined at the time of final disposal of the main Revision Petition.

5. It is also represented on behalf of the Petitioner/Accused that the Petitioner/Accused is ready and willing to deposit a sum of Rs.40,000/- towards compensation from and out of the compensation amount of Rs.1,00,000/- awarded in the instant case.

6. In view of the fact that the Petitioner/Accused has exercised its procedural right of filing the present Criminal Revision Petition before this Court and also this Court taking note of the primordial fact that the present Criminal Revision Petition is not likely to be heard in the near future, at this stage, is inclined to suspend the substantial sentence of imprisonment alone subject to payment of Rs.40,000/- before the trial Court prior to his release on bail and on payment of the said sum, orders the release of the Petitioner/Accused on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Hosur and on further condition that he shall appear before the said Court on the First Working day of every English calendar month at 12.00 P.M. (Noon) without fail till the disposal of the Criminal Revision Petition.

7. This Miscellaneous Petition is ordered accordingly.

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