

Bail Slip

The petitioner / Sole Accused namely V.S.Nanjundan, S/o. Sathyanarayanan, was directed to be released on bail as per order of this court dated 28.11.2014 and made in Crl.M.P.No.1 of 2014 in Crl.R.C.No.1233 of 2014 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1233 of 2014

V.S.Nanjundan ....Petitioner/Accused

Versus

A.R.Sathyanarayanan ....Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the Judgment of conviction and sentence passed in Crl.A.No.1 of 2013 on the file of the learned Sessions Judge No.II, Kancheepuram, dated 25.11.2014 modifying the order passed in C.C. No. 295 of 2010 on the file of the learned Judicial Magistrate No.I, Kancheepuram, dated 14.12.2012, for an offence under Section 138 of the Negotiable Instruments Act.

For Petitioner : Mr. A.Saravanan

For Respondent : No Appearance

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ORDER

In the criminal complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, by order dated 14.12.2012 made in C.C. No. 295 of 2010 on the file of the learned Judicial Magistrate No.I, Kancheepuram, the petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.70,000/-, in default to undergo three months simple imprisonment. As against this conviction and sentence imposed on

the petitioner, he has filed an appeal in CrI.A. No. 1 of 2013 on the file of the learned Sessions Judge No.II, Kancheepuram. The Appellate Court, by judgment dated 25.11.2014, partly allowed the appeal by modifying the sentence imposed by the Trial Court, viz., to undergo simple imprisonment for three months, instead of six months and to pay a sum of Rs.55,000/- as compensation to the complainant, instead of Rs.70,000/-, in default to undergo simple imprisonment for one month. As against the same, the present Criminal Revision Case is filed.

2. Notice has been issued to the respondent/complainant and it was served on him. None appeared on behalf of the respondent and therefore, the name was directed to be printed in the cause list. Even today, there is no representation on behalf of the respondent and hence, upon hearing the learned counsel for the petitioner, the matter is disposed of on merits.

3. Today, when the matter is taken up, Mr.A.Saravanan, learned counsel appearing for the petitioner/accused would submit that he is not arguing the matter on merits but he is confining his argument only on the question of sentence imposed on the petitioner/accused by the Appellate Court. He would further submit that the accused is willing to pay the cheque amount. To show his bona fide, the petitioner has produced a duplicate copy of the Demand Draft bearing No.681138 drawn on Tamil Nadu Merchantile Bank Limited, dated 16.12.2014, for Rs.55,500/-, as ordered by the Appellate Court as compensation and therefore, he pleaded for showing leniency in reduction of sentence.

4. Taking into consideration of the fact that the petitioner is not arguing the matter on merits but he is confining his argument only on the question of sentence imposed on the petitioner by the Appellate Court, apart from that the petitioner/accused is willing to pay back the cheque amount, I am of the view that some leniency can be shown to the petitioner in reducing the sentence. Accordingly, while confirming the conviction imposed by the Appellate Court, the sentence alone is modified to the effect directing the petitioner/accused to deposit the amount of Rs.55,500/-, which was already ordered to be paid by the Appellate Court as compensation, instead of the imprisonment and compensation awarded by the Appellate Court. The said amount of Rs.55,500/- (Rupees Fifty Five Thousand and Five Hundred only) has to be deposited by the petitioner/accused to the credit of C.C.No. 295 of 2010 on the file of the learned Judicial Magistrate No.I, Kancheepuram, within a period of three weeks from today, failing which, the judgment passed by the Appellate Court shall stand revived and the respondent/complainant is at liberty to approach the Trial Court, which shall take steps to secure the accused to undergo the remaining period of sentence.

5. With the above modification in sentence, this Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Sessions Judge No.II,  
Kancheepuram.
2. The Judicial Magistrate No.I,  
Kancheepuram.
3. -Do- Through Chief Judicial Magistrate,  
Chengalpet.
4. The Superintendent, Central Prison,  
Puzhal, Chennai.
5. The Judicial Magistrate II,  
Kancheepuram.
6. -Do- Through The Chief Judicial Magistrate,  
Kanchipuram.

1 CC to Mr. A.Saravanan, Advocate SR.No. 34268

Cr1 RC No. 1233 of 2014

SKV (CO)  
PSI (29.07.2015)

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