

BAIL SLIP

The Petitioner/Appellant/Accused Viz G.Palanisamy, aged 46 years, S/O.Gopal, in both the Crl.Revision Petitions, be and hereby are directed to be released on bail as per Order dated 02/02/2015 made in MP.NO.1/2014 in Crl.RC.No.1378/2014 and in MP.NO.1/2014 in Crl.RC.No.1379/2014 respectively.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case Nos. 1378 and 1379 of 2014
and
M.P. Nos. 2 and 2 of 2014

G.Palanisamy .. Petitioner in both revisions/
Accused

Versus

Raja .. Respondent in both revisions/
Complainant

Criminal Revision Cases filed under Section 397 read with 401 of Cr.P.C. against the Judgment dated 24.09.2014 made in Crl.A. Nos.32 and 31 of 2012 on the file of the learned Additional District and Sessions Judge, Dharmapuri, confirming the order dated 30.08.2012 made in S.T.C. Nos. 54 and 53 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court, Dharmapuri.

For Petitioner : Mr.I.Abrar Md Abdullah
in both revisions

For Respondent : Mr.C.R.Malarvannan
in both revisions

COMMON ORDER

The case of the respondent/complainant is that the petitioner/accused was his close friend and the accused has borrowed a sum of Rs.2,10,000/- and Rs.75,000/- as hand loan on 20.10.2007 agreeing to repay the same within a week. When the complainant demanded repayment, the accused gave three cheques for Rs.2,10,000/- and a cheque for Rs.75,000/-. When the alleged cheques were presented

for collection, they returned with the endorsement "insufficient funds". Pursuant to which, the complainant issued statutory notices. Since, the accused has not come forward to pay the cheques amount, private complaints were lodged and the same were taken on file in S.T.C. Nos. 54 and 53 of 2011 on the file of the Judicial Magistrate, Fast Track Court, Dharmapuri. After trial, the Trial Court convicted the petitioner/accused under Section 138 r/w. 142 of the Negotiable Instruments Act in each case and sentenced to undergo simple imprisonment for one year in S.T.C.No.54 of 2011 and to undergo simple imprisonment for six months in S.T.C.No.53 of 2011 and to pay a fine of Rs.5,000/- (in each case), in default to undergo simple imprisonment for two months (in each case). As against this conviction and sentence imposed on the petitioner, he has filed CrI.A. Nos.32 and 31 of 2012 on the file of the learned Additional District and Sessions Judge, Dharmapuri, which were dismissed on 24.09.2014. As against the same, the present Criminal Revision Cases are filed.

2. Today, when the revisions are taken up, Mr.I.Abrar Md Abdullah, learned counsel appearing for the petitioner/accused would submit that he is not arguing the matters on merit, 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 during the pendency of these revisions, the petitioner/accused has already deposited the entire cheques amount, which is admitted by the learned counsel appearing for the respondent/complainant and hence, he prayed for showing leniency in reduction of sentence.

3. Mr.C.R.Malarvannan, learned counsel appearing for the respondent/ complainant submitted that the cheques in dispute were issued in 2007 and during the pendency of these revisions, the petitioner/accused has deposited only the entire cheques amount and he pleaded that the petitioner/accused may be directed to pay some more amount as compensation, instead of sending him to jail.

4. Heard both sides. By consent, these main Criminal Revision Cases are taken up for final disposal.

5. Taking into consideration of the fact that the learned counsel appearing for the petitioner is not arguing the matters on merit but he is confining his argument only on the question of sentence imposed on the petitioner by the Appellate Court and prayed for showing leniency in reduction of sentence, I am of the view that some leniency can be shown to the petitioner/accused in reducing the sentence, by modifying the sentence imposed by the Courts below into one of the entire cheques amount totalling to Rs.2,85,000/-, which was already paid, and also to pay a total compensation of Rs.50,000/- (Rupees Fifty Thousand only), which shall be deposited to the credit of S.T.C. Nos.54 and 53 of 2011 before the Judicial Magistrate, Fast Track Court, Dharmapuri, within a period of six

weeks from the date of receipt of a copy of this order. If the compensation amount is not deposited as directed above, the respondent/complainant is at liberty to approach the Trial Court, which shall take appropriate steps to recover the amount. On such deposit being made, the respondent/complainant is permitted to withdraw the same from the Trial Court by filing appropriate applications before the Trial Court.

6. With the above modification, these Criminal Revision Cases are partly allowed. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

paa

To

1.The Additional District and Sessions Judge,
Dharmapuri.

2.The Judicial Magistrate,
Fast Track Court,
Dharmapuri.

3.-do-Thro The Chief Judicial Magistrate,
Dharmapuri

+1 cc to Mr.L.Abrar and Abdullah, counsel for the
Petitioner sr.40224/15

+2 cc's Mr.N.MohideenBasha, Advocate, sr.15068, 15069 (12/10/2015)

Criminal Revision Case Nos. 1378 and
1379 of 2014
and
M.P. Nos. 2 and 2 of 2014

aa6/10/2015