

Bail Slip

The Petitioner (in M.P.No.1/2014) Dr.Kumaradevi was directed to be released on bail as per the order of this Court, dt.02/04/2014 and made in M.P.No.1/2014 in CrI.R.C. 370/2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2015

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Criminal Revision Case No.370 of 2014
and
M.P.No.5 of 2014

Dr.Kumaradevi ... Petitioner
versus
C.Balasubramaniam .. Respondent

Prayer:- Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the judgment and conviction dated 04.03.2014 made in C.A.No.76 of 2013 on the file of the Principal Sessions Judge, Erode District, Erode confirming the judgment and conviction dated 31.07.2013 made in C.C.No.575 of 2006 on the file of the learned Judicial Magistrate No.II, Erode and to set aside the same.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.G.Poonkundran

ORDER

The Criminal Revision Case is directed against the judgment and conviction dated 04.03.2014 made in C.A.No.76 of 2013 on the file of the Principal Sessions Judge, Erode District, Erode, confirming the judgment and conviction dated 31.07.2013 made in C.C.No.575 of 2006 on the file of the learned Judicial Magistrate No.II, Erode and to set aside the same.

2. Though several grounds have been raised in the grounds of revision, the learned Counsel has focused his argument only in respect of the quantum of sentence.

3. According to the learned Counsel for the revision petitioner, the loan amount of Rs.3,20,000/- alleged to have been borrowed by the petitioner from the respondent, in pursuant to the condition imposed by this Court dated 2.4.2014 while suspending the sentence, a sum of Rs.1,25,000/- was already deposited before the lower court. Now, the learned Counsel for the petitioner would submit that the petitioner is prepared to pay the balance amount of Rs.1,95,000/- within a period of three months from today. Therefore, he seeks to modify the sentence.

4. The learned Counsel for the respondent would contend that if the petitioner fails to repay the cheque amount within 3 months as submitted by the learned Counsel for the petitioner, the petitioner has to undergo the conviction and sentence imposed by the courts below.

5. Considering the submissions of both sides, the sentence imposed on the petitioner by the courts below is modified to the effect that the petitioner has to pay the balance amount of Rs.1,95,000/- along with compensation of Rs.5,000/- totalling a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent, within a period of three months from today, either directly or to deposit to the credit of C.C.No.575 of 2006 on the file of the learned Judicial Magistrate No.II, Erode, in default, the petitioner has to undergo rigorous imprisonment for three months. The fine amount already paid is ordered to be returned to the respondent. It is further directed that the respondent is permitted to withdraw the amount, if any, deposited in connection with this case.

6. With the above modification, the Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tsi

To

1. The Principal Sessions Judge, Erode District, Erode.
2. The Judicial Magistrate No.II, Erode.
3. The Chief Judicial Magistrate, Erode.

+1 cc to M/s.G.Poonkundran, Advocate, sr.37570

+1 cc to M/s.C.S.Saravanan, Advocate, sr.36969

Crl.R.C.No.370 of 2014

mp(co), kra(04/08)