

Bail Slip

The Petitioner/Accused namely K.Ramu, aged about 45 years was directed to be released on bail as per the order of this Court dated 19.12.2014 in CrI.R.C.No. 739 of 2014 and M.P.Nos. 1 & 2 of 2014 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 739 of 2014

K.Ramu

...Petitioner/Accused

Versus

V.Rangadurai

...Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 04.11.2013 made in CrI.A. No.12 of 2013 on the file of the learned Principal Sessions Judge, Tiruppur, confirming the order of conviction and sentence passed in C.C.No.455 of 2005 on the file of the learned Judicial Magistrate No.I, Tiruppur, dated 28.01.2013.

For Petitioner : Mr.Anbarasan

For Respondent : Mr.V.Nicholas

ORDER

The case of the respondent/complainant is that his family is running a petrol bunk retail outlet and the complainant being family manager was looking after the affairs of the bank and the petitioner/accused purchased diesel under credit basis for and on behalf of Astalakshmi Associates, Pongalur, Coimbatore and he owed a sum of Rs.1,77,000/- and to discharge that debt, the petitioner/accused issued a cheque dated 21.04.2004 for Rs.1,80,000/-. When the cheque was presented for collection, the same got dishonoured. The complainant issued a statutory notice, for which, the accused neither sent a reply nor came forward to settle the amount and hence, the

complaint. The complaint was taken on file in C.C.No.455 of 2005 on the file of the learned Judicial Magistrate No.I, Tiruppur. After trial, the Trial Court, by order dated 28.01.2013, convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and to pay fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month and to pay compensation of Rs.1,80,000/- to the complainant within a period of one month. As against the judgment of conviction and sentence imposed on the petitioner, he has filed Crl.A. No.12 of 2013 before the learned Principal Sessions Judge, Tiruppur, which was dismissed on 04.11.2013, thereby, confirming the judgment passed by the Trial Court. Aggrieved against the same, this Criminal Revision Case is filed.

2. Today, when the revision is taken up, Mr.Anbarasan, learned counsel appearing for the petitioner/accused would submit that the cheque which was given as security to the complainant for the purchase of diesel for Astalakshmi Associates has been wrongly misused. He would further add 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/accused by the Appellate Court. He would further submit that the petitioner is willing to deposit the entire cheque amount, but, he only seeks the indulgence of this Court to grant some time and hence, he prayed for showing leniency in reduction of sentence.

3. Mr.V.Nicholas, learned counsel appearing for the respondent/complainant would submit that the cheque in dispute was issued in 2004 and till date, no amount has been paid by the accused. He would further add that the petitioner/accused may be directed to pay the entire cheque amount along with some additional amount as compensation, instead of sending him to jail.

4. Heard both sides. By consent, this main Criminal Revision Case itself is taken up for final disposal.

5. Taking into consideration of the fact that the learned counsel appearing for the petitioner is not arguing the matter 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 Appellate Court into one of the payment of the entire cheque amount of Rs.1,80,000/- + additional amount of Rs.20,000/-, totally Rs.2,00,000/- (Rupees Two Lakhs only), as compensation, which shall be deposited to the credit of C.C. No.455 of 2005 before the Judicial Magistrate No.I, Tiruppur, within a period of eight weeks from the date of receipt of a copy of this order, 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. On such deposit being made, the complainant is permitted to withdraw the same from the Trial Court by filing an appropriate application before the Trial Court.

6. With the above modification in sentence, this Criminal Revision Case is partly allowed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Principal Sessions Judge,  
Tiruppur.
2. The Judicial Magistrate No.I,  
Tiruppur.

1 CC to Mr.Anbarasan, Advocate SR.No. 44288

1 CC to Mr.V.Nicholas, Advocate SR.No. 44224

Criminal Revision Case No.739 of 2014

SR (CO)  
PSI (08.09.2015)

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