

Bail Slip

Crl.R.C.No.1000/2010

The Petitioner/Accused Viz. K.Ganesh was released on bail as per the order of this Court dated 30/09/2010, in Crl.M.P.No.1/2010, in Crl.R.C.No.1000/2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1000 of 2010

&

M.P.No.1 of 2010

K.Ganesh

... Petitioner

Vs.

C.Jayakumar
Proprietor
Kadalmadha Hardwares
1/10, GST Road
Singaperumal Koil

... Respondent

PRAYER: Criminal Revision Case filed under section 397 r/w. 401 Cr.P.C to set aside the judgment of the learned Additional District and Sessions Judge Fast Track Court-I, Chengalpattu made in C.A.No.43/2008 dated 27.09.2010 confirming the judgment of the learned Judicial Magistrate No.2, Chengalpattu in C.C.No.105/2005 dated 18.03.2008 and set aside the order directing the revision petitioner to pay compensation of Rs.3,50,000/- to the respondent / complainant under Section 357 Cr.P.C and direct the trial Court to refund the fine amount of Rs.5000/- paid by the revision petitioner.

For Petitioner : Mr.R.Vijayakumar

For Respondents : M/s.N.Kanagaraaj

ORDER

This Criminal Revision Petition has been filed against the judgment of the learned Additional District and Sessions Judge Fast Track Court-I, Chengalpattu made in C.A.No.43/2008 dated 27.09.2010.

2. It is the case of the prosecution that the revision petitioner / accused issued a cheque dated 18.01.2010 for a sum of Rs.3,50,000/- to the complainant in discharge of the liability and when the cheque was presented for encashment by the complainant, it was returned by the Syndicate Bank, Maraimalai Nagar, stating that the payment was stopped by the drawer. Hence, the complainant issued a statutory notice on 20.07.2010. But, the accused failed to pay the amount within 15 days from the date of receipt of the notice stating false and baseless charges. Hence, a case was registered under Section 138 of the Negotiable Instruments against the revision petitioner.

3. The learned trial Judge, after trial, came to the conclusion that the accused is guilty of offence under Section 138 of the Negotiable Instruments Act and convicted and sentenced him to undergo Simple Imprisonment for six months and to pay a fine of Rs.5,000/- in default to undergo Simple Imprisonment for two months for offence under Section 138 of the Negotiable Instruments act and to pay a sum of Rs.3,50,000/- to the complainant under Section 357 Cr.P.C. As against the said judgment, the revision petitioner / accused preferred an appeal in C.A.No.43 of 2008 before the Judicial Magistrate No.2, Chengalpattu and the learned lower appellate Judge confirmed the judgment of the trial Judge and dismissed the appeal. Hence, the revision petitioner is before this Court, with this present criminal revision.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

5. After some elaborate arguments, the learned counsel for the respondent submitted that if a consolidated sum of Rs.2,50,000/- is ordered as compensation, the matter could be given a quietus. The learned counsel for the petitioner has also agreed for the same.

6. Considering the submissions made, this Court modifies the sentence of simple imprisonment for six months to one of compensation of a sum of Rs.2,50,000/- payable by the petitioner to the respondent. Accordingly, the petitioner is directed to pay a sum of Rs.2,50,000/- to the respondent directly or deposit in Court within a period of three months from the date of receipt of a copy of this order, in default the petitioner shall undergo three months simple imprisonment. Fine imposed by the Court below is confirmed.

7. The criminal revision petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Additional Sessions Judge,
Fast Track Court No.I, Chengalpattu.
2. The Judicial Magistrate No.II,
Chengalpattu.
3. The Chief Judicial Magistrate,
Chengalpattu.
4. The Superintendent of Central Prison,
Puzhal, Chennai.

+1 cc to M/s.N.Kanagaraj, Advocate, sr.35865
+1 cc to M/s.R.Vijayakumar, Advocate, sr.35491

Crl.R.C.No.1000 of 2010 &
M.P.No.1 of 2010

rsk(co)
kra(05/08)

सत्यमेव जयते

WEB COPY