

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1177 of 2015

&

M.P.No.1 of 2015

Lavakumar Gupta

... Petitioner/Accused

Vs.

S.Thulasiammal

... Respondent/Complainant

Criminal Revision filed under sections 397 and 401 Cr.P.C. to set aside the judgment dated 14.09.2015 made in Crl.A.No.18 of 2015 on the file of the Principal Sessions Judge, Tiruvallur confirming the judgment dated 09.02.2015 made in C.C.No.3 of 2014 on the file of the Judicial Magistrate, Tiruttani.

For Petitioner : Mr.M.Mohamed Hasain

For Respondent : Mr.S.R.Sumathy

ORDER

This revision challenges the order of the learned Principal Sessions Judge, Tiruvallur dated 14.09.2015 passed in Crl.A.No.18 of 2015.

2. The petitioner faced prosecution for offence under Section 138 of the Negotiable Instruments Act in a case tried in C.C.No.3 of 2014 on the file of the Judicial Magistrate, Tiruttani. The petitioner was convicted for such offence and sentenced to undergo 6 months S.I. and directed to pay compensation in a sum of Rs.1,59,000/- i.e, the cheque amount. The petitioner's appeal in C.A.No.18 of 2015 on the file of the Principal Sessions Judge, Tiruvallur was dismissed under judgment dated 14.09.2015. The appellate Court confirmed the finding of the trial Court. Thereagainst, this revision.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. On appreciation of the rival contentions and on perusal of the records, this Court is of the view that the finding of conviction by the Courts below is well merited. However, during the pendency of this proceedings, the petitioner has effected payment of a sum of Rs.1,39,000/- to the respondent under a Demand Draft, which position is accepted by learned counsel for respondent. Further sum of Rs.20,000/- is lying to the credit of C.C.No.3 of 2014 on the file of Judicial Magistrate, Tiruttani. The petitioner has been in custody for 10 days. In the circumstances, this Court, while confirming the finding of conviction, would reduce sentence to the period already undergone. It is no longer necessary to undergo further sentence. The compensation directed to be paid is also confirmed. This Court would further direct that the sum of Rs.1,59,000/- directed by the Courts below to be paid as compensation shall be treated as fine imposed in the case. Such fine shall be treated as payable in compensation to the respondent in keeping with Section 357(3) Cr.P.C. In the end result, the respondent shall now be entitled to payment out of a sum of Rs.20,000/- held to the credit of C.C.No.3 of 2014 on filing appropriate petition before such Court.

The Criminal Revision Petition is ordered accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Principal Sessions Judge
Tiruvallur
2. The Judicial Magistrate
Tiruttani

+1cc to Mr.M.Mohamed Hasain, Advocate, S.R.No.67961
+1cc to Mr.S.R.Sumathy, Advocate, S.R.No.68208

CrI.R.C.No.1177 of 2015 &
M.P.No.1 of 2015

SAI (CO)
CA(17/03/2016)