

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No.1094 of 2009
and
M.P. Nos. 1 and 2 of 2009

S.V. Rajendran

... Petitioner

Versus

K. Kandasamy

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure praying to set aside the Judgment dated 16.09.2008 made in Criminal Appeal No.142 of 2007 on the file of Additional District Sessions Judge-cum-Fast Track Court No.2, Salem modifying the Judgment dated 31.08.2007 passed by the Judicial Magistrate No.2, Salem in C.C. No. 685 of 2004

For Petitioner : Mr. J. Franklin

For respondent : Mr. B. Kumarasamy

ORDER

In the proceedings initiated by the respondent to punish the revision petitioner for the offence under Section 138 of The Negotiable Instruments Act, on dishonour of four cheques issued by him for a sum of Rs.50,000/- each towards discharge of the loan amount of Rs.2,00,000/- borrowed by him, the trial Court, after trial, convicted the revision 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 besides payment of compensation of Rs.2,00,000/- being the cheque amount as contemplated under Section 357 (3) of Cr.P.C. On appeal, the Appellate Court, while confirming the sentence under Section 138 of the Negotiable Instruments Act, set aside the sentence of one year simple imprisonment with compensation of Rs.2,00,000/-, instead directed the revision petitioner to pay only Rs.2,00,000/- as compensation, being the cheque amount, within a period of three months from the date of judgment, failing which directed the petitioner to undergo simple imprisonment of three months. As

against the aforesaid judgment of the Appellate Court, the petitioner has come forward with this Criminal Revision Case.

2. When the Criminal Revision Case is taken up for hearing today, the learned counsel appearing for the revision petitioner brought to the notice of this Court that as per the judgment of the Appellate Court, the revision petitioner has deposited the cheque amount of Rs.2,00,000/- to the credit of C.C. No. 685 of 2004 before the trial Court, of course, after the time stipulated by the Appellate Court for such deposit. The learned counsel for the respondent also confirms the deposit of amount by the revision petitioner and prayed this Court to permit the respondent to withdraw the amount.

3. In view of the fact that the revision petitioner has deposited the cheque amount as per the direction of the Appellate Court, of course, after the expiry of the three months time stipulated by the Appellate Court, this Court is of the view that in the interest of justice, the deposit of the amount by the revision petitioner shall be recorded. The respondent/complainant is permitted to withdraw the amount of Rs.2,00,000/- deposited by the revision petitioner before the trial Court. Accordingly, the Criminal Revision Case is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Sessions Judge
-cum-Fast Track Court No.2
Salem
2. The Judicial Magistrate No.2,
Salem

Crl.R.C. No. 1094 of 2009

TS(CO)
CA(22/09/2015)