

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1246 of 2009

And

M.P.No.1 of 2009

V.Ramani

... Petitioner

Vs.

R.Velmurugan

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records and set aside judgment dated 27.07.2009 made in C.A.No.5 of 2008 on the file of the Additional District Sessions Court cum FTC No.3 of Virudhachalam which was conforming the judgment dated 28.12.2007 made in C.C.No.168 of 2006 on the file of the Judicial Magistrate No.2 Virudhachalam and acquit the petitioner by allowing this revision.

For Petitioner : Mr.S.Lakshmanasamy

O R D E R

The petitioner is the accused in C.C.No.168 of 2006 on the file of the Judicial Magistrate No.2 Virudhachalam, and she was convicted for the offences punishable under Section 138 of the Negotiable Instruments Act and sentenced her to undergo simple imprisonment for one year and to pay the cheque amount of Rs.1,50,000/- as compensation to the respondent. The sentence and conviction imposed by the Trial Court was confirmed by the learned Additional District and Sessions Court cum FTC No.3 of Virudhachalam, in C.A.No.5 of 2008, by judgment dated 27.07.2009. Hence, the petitioner has filed this revision seeking to set aside the order of the courts below.

2.Heard the learned counsel for the petitioner.

3.Today, when the revision is taken up for hearing, the learned counsel for the petitioner submitted that he had instruction from the petitioner long back stating that the matter itself has been settled, but he is not able to confirm the same or show any records for the same. At the same time, he would contend that the sentence alone can be modified into one of payment of compensation alone.

4.This revision has been pending from the year 2009. Despite notice, none appeared for the respondent. Taking into consideration the period of pendency of the revision and the submission of the learned counsel for the petitioner that he had instruction from the petitioner long back stating that the matter itself has been settled, the sentence alone is modified to one as that of payment of the cheque amount of Rs.1,50,000/- as compensation to the respondent.

5.Since it is represented that the matter has been settled, the petitioner is directed to file a memo before the lower court stating that the cheque amount has been paid as compensation to the respondent and if the amount has not been already paid, the petitioner is directed to pay the cheque amount as compensation, as directed to be paid by the Courts below to the respondent within a period of three months from the date of receipt of a copy of this order. On failure of either filing of memo by the petitioner or payment of the cheque amount as compensation to the respondent, the conviction and sentence imposed by the Courts below stands confirmed. The revision is accordingly disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

To

1. The Additional District Sessions Court cum FTC No.3 of Virudhachalam
2. -Do- Thro The Principal Sessions Judge, Cuddalore.
3. The Judicial Magistrate, No.2 Virudhachalam.

4. -Do- Thro The Chief Judicial Magistrate,
Cuddalore.

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