

Bail Slip:- The Petitioner/Accused namely J. Sathyanarayanan S/o.Jagadeesan age ___ was directed to be released on bail as per the order of this court dated 4.1.2010 in M.P.1 of 2009 in CrI.R.C.No.1269 of 2009 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

CrI.R.C.No.1269 of 2009

J.Sathyanarayanan ... Petitioner

Vs.

Tmt.P.Sumathi ... Respondent

Prayer: Revision has been filed under Sections 397 (1) & 401 of Cr.P.C against the judgment dated 10.11.2009 in C.A.No.109 of 2008 passed by the learned V Additional Sessions Judge, Tada-II, Chennai, confirming the judgment dated 14.02.2008 in C.C.No.1133 of 2005 passed by the learned VII Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.K.Kannan

ORDER

The present revision case has been filed by the petitioner/accused against the concurrent judgments passed by the Courts below, convicting the petitioner/accused under Section 138 of Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and to pay a sum of Rs.1,90,660/- to the respondent/complainant towards compensation.

2.Today, when the matter is taken up for consideration, the learned counsel for the revision petitioner submitted that as per the directions of this Court, the revision petitioner has already deposited a sum of Rs.47,660/- before the Trial Court. Further, the Trial Court has imposed six months simple imprisonment on the petitioner and to pay the cheque amount of Rs.1,90,660/-. It is further submitted by the learned counsel for the revision petitioner that instead of sentence of imprisonment, the revision petitioner is now prepared to pay the entire cheque amount, in addition to the amount already deposited. Thus, he prayed for leniency in awarding the sentence alone.

3. Even though notice was ordered, notice was not served and service is awaited till date. As per the judgment of the Hon'ble Supreme Court reported in (2013) 3 SCC 721 [K.S. Panduranga vs. State of Karnataka], even in the absence of the petitioner or respondent, this Court is empowered to deal with the matter on merits and dispose of the same. Since the learned counsel for the revision petitioner confined his argument only with regard to the sentence of imprisonment, this Court is inclined to dispose of the revision.

4. Perused the materials available on record.

5. Taking into consideration the submission made by the learned counsel for the petitioner and the fact that he is argued only on the question of sentence and also the fact that the petitioner had already deposited a sum of Rs.47,660/- and is willing to settle the amount in question and the period of imprisonment imposed on the petitioner is also only six months, I am of the view that instead of sending the petitioner to jail, in the interest of justice, he may be directed to pay some amount as compensation. Accordingly, while confirming the conviction imposed by the Courts below, the sentence is modified to that of payment of compensation to the tune of Rs.1,10,000/- (Rupees one Lakh Ten Thousand only), in addition to the Cheque amount of Rs.1,90,660/-, (totally a sum of Rs.3,00,660/-). After detecting the sum of Rs.47,660/-, which was already deposited by him, the petitioner shall pay/deposit the balance amount of Rs.2,53,000/- (Rupees Two Lakhs Fifty Three Thousand Only), within a period of three months from the date of receipt of a copy of this order. It is made clear that if the petitioner fails to pay the said amount/or deposit in Court within the above stipulated period, he shall undergo the period of sentence as imposed by the Courts below and this order will not enure to the benefit of the petitioner/accused. It is also made clear that if any such payment/deposit is made, the Trial Court is directed to disburse the same to the respondent/complainant on proper identification.

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

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

SSV

To

1.The V Additional Sessions Judge, Tada-II, Chennai.

2. do thro the Principal Sessions Judge
Chennai

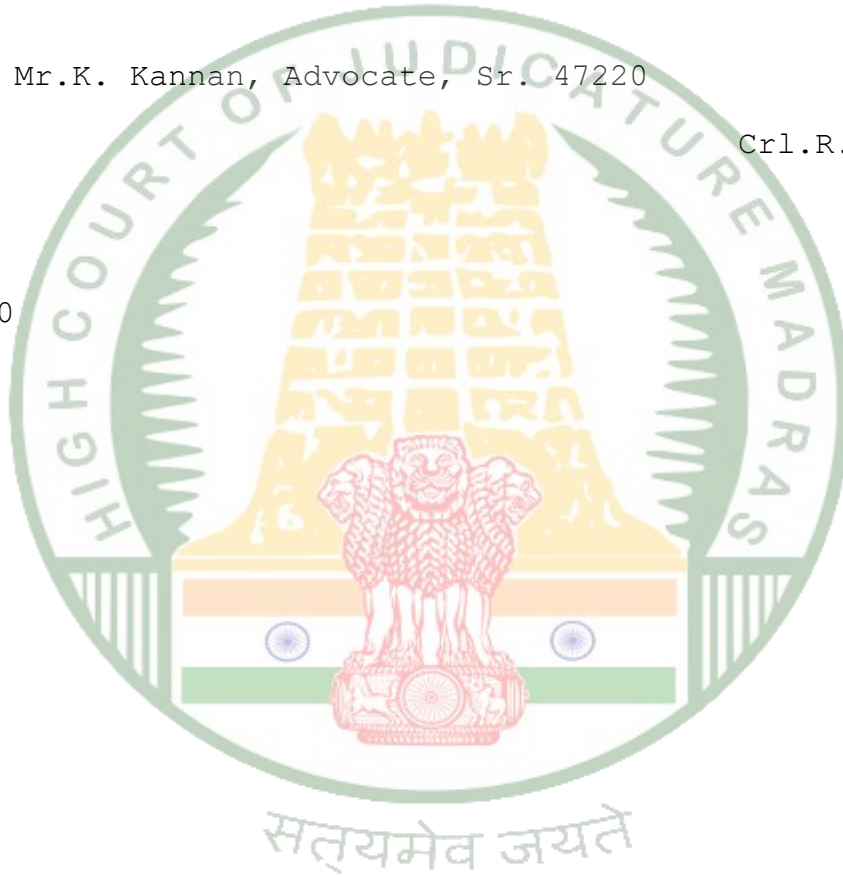
3.The VII Metropolitan Magistrate, George Town, Chennai.

4. do thro the Chief Metropolitan Magistrate
Egmore, Chennai-8

1 cc to Mr.K. Kannan, Advocate, Sr. 47220

Cr1.R.C.No.1269 of 2009

SR (CO)
kk 20/10



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