

Bail Slip

The Revision petitioner Viz., Rakesh Vij., S/o. Om Prakash, aged about 57 years was directed to be released on Bail on deposit of amount in M.P.No.1 of 2008 in Crl.R.C. No.1428 of 2008 dated 4.11.2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

Coram

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1428 of 2008

Rakesh Vij

.. Petitioner/Accused

Versus

P.Doraisamy

.. Respondent/Complainant

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the judgment of the learned Additional District and Sessions Judge, Fast Track Court No.V, Coimbatore at Tirupur, passed in C.A.No.541 of 2007, dated 26.08.2008 confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Tirupur by judgment dated 03.12.2007 in S.T.C.No.2036 of 2005 convicting and sentencing the petitioner to undergo one year RI and to pay a compensation of Rs.5 Lakhs to the respondent herein.

For Petitioner : No Appearance

For Respondent : Mr.M.Vijayakymaran

ORDER

The petitioner has come up with the present petition against the judgment of the learned Additional District and Sessions Judge, Fast Track Court No.V, Coimbatore at Tirupur, passed in C.A.No.541 of 2007, dated 26.08.2008 confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Tirupur, by judgment dated 03.12.2007 in S.T.C.No.2036 of 2005.

2. In spite of several adjournments, neither the petitioner's counsel nor petitioner were present today even though the case is posted under the caption 'For Dismissal'. Hence, the matter is taken up for final disposal to pass orders on merits as per the decision rendered in K.S.Panduranga vs. State of Karnataka reported in 2013(3) SCC 721.

3. The only ground which has been raised in the grounds of appeal is that the Court below has not taken into consideration Exs.D1 and D2, Courier Receipts which has been sent to the bank for making stop payment and to P.W.1, requesting him not to present the cheques. On going through the judgments of both the Courts below and other relevant documents, it is clear that there were money transactions between both of them. From the evidence of P.W.1, it is seen that they were having business transactions and two blank cheques were issued as security at the time of starting business. P.W.1 was doing banian business in Tiruppur and the accused was doing banian exports business and in the course of business dealings the accused borrowed a hand loan of Rs.5,00,000/- and Exs.P1 and P2 were issued by the accused towards discharge of the loan.

4. It is the case of the accused that one of his relative namely, Naval kishore placed orders with the complainant and requested the accused to issue cheques, on behalf of him with a promise that he will send money from Dubai. Hence, the accused issued the cheques and therefore, he is no way connected with the complaint.

5. However, though P.W.1 had admitted during cross examination that he had business transactions with that Naval Kishore, he denied the stand of the accused that the cheques were issued for the orders placed by the said Naval Kishore.

6. On a careful perusal of the order of the Courts below, it is seen that in Ex.P8, Reply Notice, the accused has taken a stand that he had business transactions with P.W.1 and the cheques were issued with regard to the same. But, later he would state that it was not given for him and at the instance of his relative Naval Kishore it was given. No doubt, Exs.D1 and D2 are the courier receipts issued on 30.11.2004, for sending letters to the State Bank of Travancore and to P.W.1, for the presumption that the cheques were supported by consideration, but both the Courts have held that the accused had admitted that the cheques were issued by him, with regard to the business transactions. As rightly concluded by the Courts below that the accused has not produced any acknowledgment for service of the letter and had not chosen to examine bank officials. It is pertinent to note that the cheques were returned by the bankers due to insufficiency of funds and not for the reasons 'payments were stopped by the drawer'. Hence, it is clear that the letters dated 30.11.2004, were a cooked up ones.

7. In view of the above facts, I do not find any illegality or irregularity in the order passed by the Court below to interfere with. Hence, this Civil Revision Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

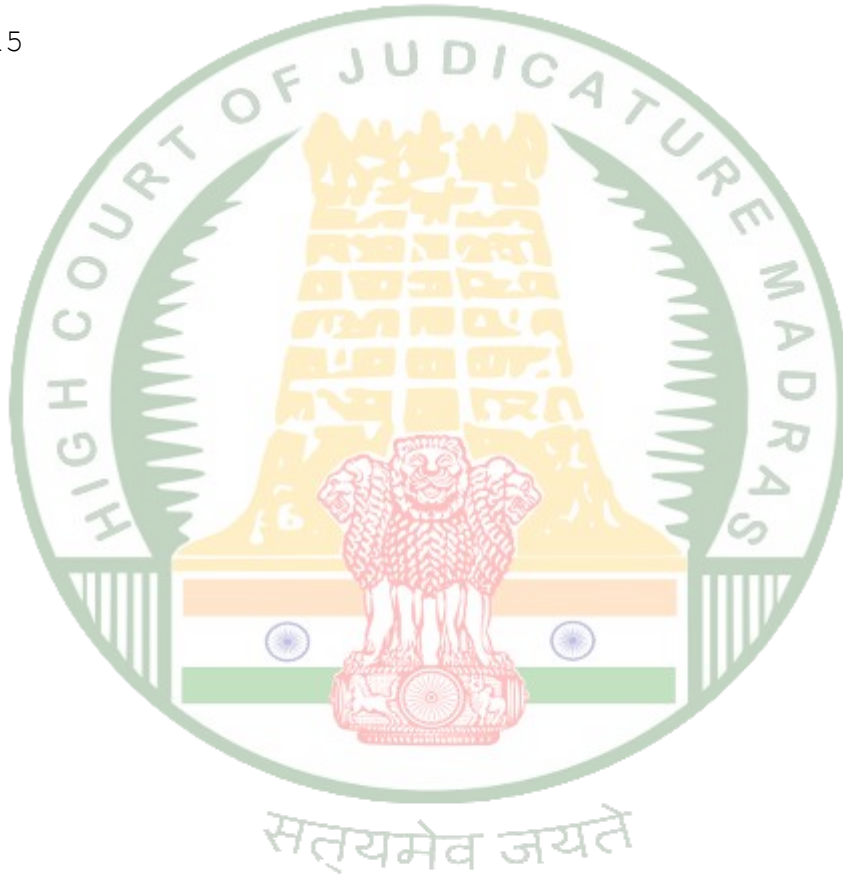
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To,

1. Additional District and Sessions Judge,
Fast Track Court No.V, Coimbatore at Tirupur.
2. The Judicial Magistrate No.1, Tirupur.

Crl.R.C.No. 1428 of 2008

PPA (CO)
EU 29.07.15



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