

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1532 of 2008

And

M.P.Nos.1 and 2 of 2008

1.A.P.Francis

2.A.L.Louis

... Petitioners

Vs.

M.Paramasivam

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 r/w 401 of the Criminal Procedure Code praying to call for the entire records in so far relates to order passed in C.A.No.37/2008 dated 14.10.2008 on the file of Additional District Court/ FTC-I, Erode confirming the order passed in C.C.No.154/2007, dated 22.01.2008 on the file Judicial Magistrate-I, Erode, Erode District and set aside the same.

For Petitioner : Mr.C.Prakasam

O R D E R

The petitioners who are the accused 2 and 3 in C.C.No.154 of 2007 on the file of the learned Judicial Magistrate No.I, Erode, were alleged to have given a cheque to repay the amount which they borrowed from the respondent on behalf of the first accused company for the purpose of carrying on business activities and the cheque when presented to the Bank was returned by the Bank since there was no sufficient amount in the account and they were convicted for the offences punishable under Section 138 r/w 142 of the Negotiable Instruments Act and they were sentenced to undergo simple imprisonment for two years each. The sentence and conviction imposed by the Trial Court was confirmed by the learned Additional District and Sessions Judge/ FTC - 1 of Erode, in C.A.No.37 of 2008, by judgment dated 14.10.2008. Hence, the petitioners have filed this revision seeking to set aside the order of the courts below.

2.Heard the learned counsel for the petitioners.

3.Today, when the revision is taken up for hearing, the learned counsel for the petitioners submitted that the complaint has been settled and the amount has been paid, but he is not able to produce any document to show that the matter has been settled. At the same time, he would contend that the sentence alone can be modified into one of payment of cheque amount.

4.This revision has been pending from the year 2008. Taking into consideration the period of pendency of the revision and the submission of the learned counsel for the petitioner that the matter itself has been settled, the sentence alone is modified to one as that of payment of the cheque amount of Rs.5,00,000/- to the respondent.

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

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Additional District Court/ FTC-I, Erode.

2.The Judicial Magistrate-I, Erode, Erode District.

3.Do through the chief Judicial Magistrate Erode.

+1 cc to Mr.C.Prakasam,Advocate (SR.36527)

RSK (co)
cp 10.08.2015

Cr1.R.C.No.1532 of 2008
and M.P.Nos.1 and 2 of 2008