

BAIL SLIP

The Petitioner herein/Accused viz., V.Muthu, Son of Veerasamy was directed to be released on bail as per Order of this Court dated 12.12.2008 made in M.P.No.1 of 2008 in Crl.R.C.No.1588 to 1606 of 2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.Nos.1588 to 1606 of 2008

V.Muthu

...Petitioner in Crl.R.C.No. 1588 of 2008 to 1606 of 2008

versus

K.Gunasekaran

...Respondent in Crl.R.C.No. 1588 of 2008 to 1606 of 2008

Criminal Revision filed under Section 397 and 401 of the Criminal Procedure Code against the order of the Court of the Addl. Sessions Judge, Fast Track Court No.2, Kanchipuram dated 29.10.2008 and made in Crl.A.Nos. 31,19,29,21,34,24,27,22,30,20, 18,25,33,23,26,32,28,16 and 17 of 2008 respectively confirming the convictions and the sentence passed by the Judicial Magistrate No.I, Kancheepuram dated 19.12.2007 and made in C.A.Nos.221,209,219,211,224,214,217,212,220,210,208,215,223,213, 216,222,218,206 and 207 of 2007 respectively.

For petitioner : Mr.A.M.Rahamath Ali
in all Crl.R.Cs

For respondent : Mr.K.M.Balaji
in all Crl.R.Cs

COMMON ORDER

The petitioner has come up with this batch of 18 cases against the dismissal of his appeal by the learned Additional Sessions Judge, Fast Track Court No.2, Kanchipuram, confirming

the order passed by the learned Judicial Magistrate No.1, Kanchipuram, who had convicted the petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months rigorous imprisonment and to pay a sum of Rs.5000/- as compensation in each of the cases.

2. It is the case of the prosecution that the petitioner had business transactions with the respondent and during the course of such transactions, borrowed loans. When the cheques given by the petitioner were presented in Bank, they were dishonoured for the reason "insufficient funds". The respondent sent legal notice to the petitioner and the petitioner replied to the same. However, no money was paid. The petitioner was tried under Section 138 Negotiable Instruments Act, convicted and sentenced as mentioned above.

3. After making some elaborate arguments, the learned counsel for the petitioner confined his arguments with regard to sentence alone. The learned counsel submitted that the petitioner is a physically challenged person and his one leg is affected by polio and he is wheelchair bound. He has no steady job and he is finding it hard to meet his family expenses. The learned counsel prays that the compensation amount of Rs.5,000/- awarded for each case may be reduced on sympathetic grounds. The learned counsel submitted that the petitioner has served about One month imprisonment.

4. The learned counsel for the respondent fairly submitted that the petitioner being a physically challenged person and that he has served about one month in prison, leaves it to the Court as regards sentence. The learned counsel further submitted that the lower Court has awarded compensation of only Rs.5,000/- per case and the same may be sustained.

5. On going through the entire materials placed on record, it is seen that the petitioner is a physically challenged person and he has served one month imprisonment. Considering the physical condition of the petitioner, this Court reduces the compensation amount awarded to each case to Rs.4,000/-.

6. In the result, while confirming the conviction, the sentence is reduced to the period already undergone. The compensation amount awarded by the lower Court is modified to the extent that the petitioner shall pay Rs.4,000/- as compensation in each of the case i.e. Rs.4,000 x 19 = Rs.76,000/-. The sum of Rs.76,000/- [Rs.Seventy Six Thousand

only] shall be paid within a period of three months from the date of receipt of a copy of this order. If the petitioner fails to pay the compensation within the stipulated period, the petitioner shall undergo sentence of one more month.

7. The criminal revisions are disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tar

To

- 1.The Addl. Sessions Judge,
Fast Track Court No.2,
Kanchipuram.
- 2.The Judicial Magistrate No.1,
Kanchipuram
- 3.The Chief Judicial Magistrate,
Kancheepuram @ Chengalpattu.
- 4.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 5.The Section Officer,
Criminal Section,
High Court, Madras.

+2cc's to M/s.K.M.Balaji, Advocate, S.R.No.36507

+2cc's to M/s.A.M.Rahamath Ali, Advocate, S.R.No.36571

CrI.R.C.Nos.1588 to 1606/2008

ALA(CO)
CA(26/10/2015)

WEB COPY