



BAIL SLIP

CRL.R.C.No.74/2008

The Accused/Petitioner, namely V.Mani, S/o.Venkatachala Naicker was directed to be released on bail as per order of this Court dated 31.1.2008 made in Crl.M.P.No.1/2008 in Crl.R.74/2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.No.74 of 2008

V.Mani : Petitioner

versus

Madras Fertilizers Ltd.,
Manali, Chennai 68,
rep. By its Assistant Manager,
D.Joseph : respondent

Revision filed under Section 397 & 401 of Cr.P.C. against the order passed by Judicial Magistrate No.1, Salem, in C.C.No.89/2005 on 5.5.2006, which was confirmed in C.A.No.76/2007 on 27.8.2007 by the Addl. District Judge, Fast Track Court No.1, Salem.

For petitioner : No appearance
For respondent : Mr.P.Chandrasekar

O R D E R

This revision is pending from the year 2008. There is no representation for the petitioner. It is represented by the learned counsel for the respondent that the conditional order passed in the year 2012 has not been complied with by the petitioner, so far. Even before the Lok Adalat, the petitioner has not appeared and no settlement has been effected.

2. As per the judgment of the apex Court reported in 2013 (3) SCC 721, K.S.Panduranga vs. State of Karnataka, if the party did not appear there is no necessity for the Court to issue warrant or special notice or appoint an amicus curie to argue the case on his behalf and the Court is empowered to deal with the matter on merits and dispose of the same.



3. The only contention raised in the defence before the lower Court as well as in the criminal revision is that under Ex.P-4, urea purchased by the petitioner is only for Rs.22,730/- but the bill charged by the respondent is for Rs.63,644/-. Therefore, according to the petitioner, the bill is an inflated one and he is not bound to pay such amount.

4. The learned counsel for the respondent would contend that the same defence has been considered by both the Courts below and rightly dismissed. According to him, the petitioner has purchased urea from the respondent company and in evidence of the same, invoices have been marked as Ex.P-2, P-3 and P-5. The disputed cheque is marked as Ex.P-6. Therefore, the fact that the petitioner purchased fertilizers worth Rs.63,644/- is crystal clear.

5. The lower Court has categorically held that the accused has admitted the transaction, given the cheque and after the notice, he had paid a sum of Rs.15,250/-. These are all admitted facts. The lower Court has also pointed out that when specific question was raised in cross examination that for the invoice marked as Ex.P-4, for the amount of Rs.22,730/-, he has given cheque for Rs.63,644/-, the petitioner has said that it was given for three orders and not for one order. Therefore, the allegation of the petitioner that though orders were cancelled, bills were raised at the instance of whims and fancies of the respondent have been clearly disproved.

6. I do not find any reason to interfere with the reasoned order. This criminal revision is dismissed. The conviction imposed on the petitioner is confirmed. However, as regards punishment, the same is modified, directing the petitioner to pay double the cheque amount of Rs.60,241/-, viz., Rs.1,20,482/- (Rupees One Lakh Twenty Thousand Four Hundred and Eighty Two only) to the respondent by way of compensation. The amount shall be paid within a period of four weeks. If the amount is not paid within the stipulated time, the order of the lower Court will take effect automatically.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1.The Addl. District Judge, Fast Track Court No.1, Salem
- 2.The Judicial Magistrate No.1, Salem.
- 3.The Chief Judicial Magistrate, Salem.
- 4.The Superintendent, Central Prison, Salem
- 5.The Public Prosecutor, Madras High Court.



6.V.Mani,
S/o.Venkatachala Naicker,
Fertilizer Dealer,
No.347,Grain Bazaar, Attur, Salem.

7.The Section Officer, Criminal Section, High Court, Madras.

1 cc to Mr. M.M.Balakrishnan, Advocate Sr.No.34971

1 cc to Mr.P.Chandrasekar , Advocate Sr.No.34586

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ev(co)pmk.23.6.2015