

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1169 of 2015

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ORDER:

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The present revision is preferred by the petitioner challenging the order of the appellate court whereby the appellate court confirmed the order of the trial Court. The trial Court convicted the accused for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo Rigorous Imprisonment for one year and also directed to pay a fine of Rs.6,00,000/- and on payment of the fine, Rs.5,60,000/- to be paid as compensation to the complainant under Section 357 (1) Cr.P.C.

The revision is preferred against the concurrent findings of the trial court as well as the appellate court, hence this Court is of the view that the revision can be disposed of summarily.

The learned counsel for the petitioner submitted that the petitioner has already deposited the fine amount of Rs.6,00,000/- and the petitioner prayed that the revision can be disposed of by modifying the sentence imposed by the trial Court and confirmed by the appellate Court.

Considering the facts and circumstances of the case, more particularly due to the fact that the petitioner has already paid the cheque amount by way of fine before

the trial Court, the revision is disposed of with the following observations :

The conviction imposed on the petitioner by the trial Court as confirmed by the lower appellate Court is hereby confirmed. However, the sentence of imprisonment is hereby set aside and the fine amount already paid by the petitioner is directed to be given as compensation to the 2nd Respondent-complainant. The petitioner shall be released forthwith, if not required in any other crime.

Accordingly, the Criminal Revision Case is allowed in part. Consequently, miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

01st July 2015.

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