

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1106 of 2015

Meetha GillBank

.. Petitioner

vs.

Jawahar

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the judgment in C.C.No.35/2011 dated 29.06.2012 of the Fast Track Court,, Coonoor Nilgiris district confirmed by the Sessions Judge, Ootacamund dated 10.09.2015 in C.A.No.10 of 2012 and call for the records and acquit the petitioner from all the charges.

For Petitioner : No appearance

For Respondent : J. Bharathi Raja

O R D E R

This revision petition challenges the order in C.C.No.35/2011 dated 29.06.2012 of the Fast Track Court,, Coonoor Nilgiris district confirmed by the Sessions Judge, Ootacamund dated 10.09.2015 in C.A.No.10 of 2012 and call for the records and acquit the petitioner from all the charges.

2. Respondent/complainant preferred a complaint u/s.138 of the Negotiable Instruments Act informing that the petitioner borrowed a sum of Rs.2,25,000/- from him and towards repayment thereof, petitioner issued a cheque dated 30.05.2003 in a sum of Rs.2,25,000/- drawn on Canara Bank, Coonoor. On presentation, the cheque was returned unpaid with an endorsement 'insufficient funds'. Respondent/ complainant caused statutory notice and following the procedure envisaged under Section 138 of the Negotiable Instruments Act, the complaint had been filed.

3. Before the trial Court, respondent examined one witness and marked seven exhibits. None were examined on behalf of the defence nor were any exhibits marked. Trial Court, under judgment dated 29.06.2012, convicted the petitioner for offence

u/s.138 of the Negotiable Instruments Act and sentenced him to 3 months S.I. and directed him to pay a sum of Rs.2,00,000/- towards compensation to the respondent/complainant i/d 1 month S.I. The appeal preferred by petitioner in C.A.No.10 of 2012 on the file of learned District and Sessions Judge, Nilgiris, came to be dismissed under judgment dated 10.09.2015. Hence, this revision.

4. There is no representation for petitioner. Heard learned counsel for respondent.

5. On consideration of the fact of the case and perusal of the records, this Court is of the view that Courts below have arrived at a proper finding in convicting the petitioner. This revision is to be dismissed on merits, particularly, taking note of Ex.B7 wherein the petitioner/accused has informed thus:

"The money which I owe you (Two lakhs and Twenty Five Thousand Only) 2,25,000/- only against the cheque which I gave you, (cheque no.742607) I promise to pay the entire amount to you within three months from this date".

6. This Court finds no error in the judgments of Courts below.

7. The Criminal Revision is dismissed. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

dpq

To

1.The Judicial Magistrate,
Fast Track Court, Coonoor,
Nilgiri District.

2.The Chief Judicial Magistrate Nilgiris.

3.The District and Sessions Judge,
Udhagamandalam.

4.The District and Sessions Judge,
Nilgiris.

+1cc to M/s.J.Bharathiraja, Advocate sr.70847

Cr1.R.C.No.1106 of 2015

mp(co)

ss(24/01/2016)