

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

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

Crl.R.C.No.1202 of 2015

and

M.P.No.2 of 2015

Pattabi Reddiar
S/o.Ragava Reddiar

.. Petitioner/ Appellant/ Accused

Vs.

M.Sudhakaran
S/o.Mani Mudaliar

.. Respondent/ Respondent/ Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the judgment of learned II Additional Judge, District and Sessions Court, Ranipet, passed in C.A.No.94 of 2014 on 30.06.2015 confirming the judgment of learned District Munsif cum Judicial Magistrate, Arcot, passed in C.C.No.97 of 2005 on 20.11.2014.

For Petitioner : No appearance

For Respondent : Mr.K.Mohanamurali

O R D E R

This revision is preferred against two concurrent judgments of Courts below convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 1 year R.I. and directing him to pay a sum of Rs.1,00,000/- towards compensation to the complainant i/d 3 months S.I.

2. Respondent/complainant moved a prosecution informing that a cheque bearing No.532225 dated 12.03.2005 in a sum of Rs.1,50,000/- drawn on State Bank of India, Arcot, stood issued to him by petitioner towards repayment of borrowing, which upon presentation was returned unpaid for the reason "insufficient funds". Respondent/ complainant caused statutory notice and following the procedure envisaged under Section 138 of the Negotiable Instruments Act, a complaint had been filed.

3. Before the trial Court, the respondent examined himself and marked seven exhibits. None were examined on behalf of the defence nor were any exhibits marked.

4. On appreciation of materials before it, trial Court, under judgment dated 20.11.2014, convicted the petitioner and sentenced him to undergo 1 year R.I. and directed him to pay a sum of Rs.1,00,000/- towards compensation to the complainant i/d 3 months S.I. There against, petitioner preferred C.A.No.94 of 2014 on the file of learned II Additional Judge, District and Sessions Court, Ranipet, which came to be dismissed under judgment dated 30.06.2015. Hence, this revision.

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

6. Though learned counsel for petitioner is not present, this Court finds that the original borrowing was in a sum of Rs.1,00,000/- and the cheque has been issued by petitioner/accused towards repayment of principal and interest in a sum of Rs.1,50,000/-. It is seen that the petitioner/accused has also effected payment in a sum of Rs.1,00,000/- to the respondent/complainant through demand draft No.129098 dated 26.10.2015. The said position stands admitted by learned counsel for respondent. In the interregnum, petitioner has suffered imprisonment for over a month. Given the facts and circumstances of the case, this Court, even while confirming the finding of conviction entered upon by Courts below, considers it appropriate to modify the sentence to one of one month R.I. Compensation of Rs.1,00,000/- awarded by Courts below is confirmed.

7. In the net result, the imprisonment stands already undergone by petitioner and the compensation amount stands realised by respondent. It is made clear that the petitioner shall not be required to undergo any further imprisonment.

This Criminal Revision is disposed of with the above modification. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

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Sub Asst. Registrar

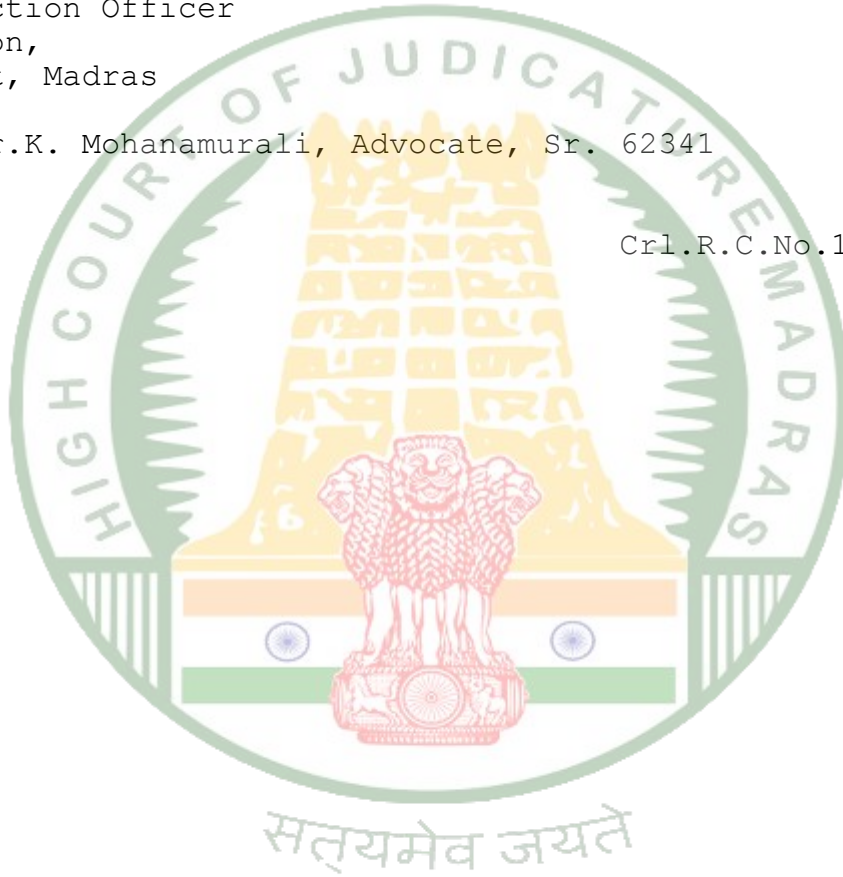
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To

- 1.The II Additional Judge,
District and Sessions Court,
Ranipet,
 - 2.The District Munsif cum Judicial Magistrate,
Arcot.
 3. do thro the Chief Judicial Magistrate
Arcot
 4. The Section Officer
Crl.Section,
High Court, Madras
- 1 cc to Mr.K. Mohanamurali, Advocate, Sr. 62341

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