

Bail Slip

The Appellant/Accused namely S. Muthumariselvam, S/o. Sakthivel, aged 32 years was released on bail in CrI.MP.44/17 in CrI.R.C.No.8/17 vide order dated 4.1.2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

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

CrI.R.C.No.8 of 2017 &
CrI.M.P.Nos.45 & 46 of 2017

S.Muthumariselvam .. Petitioner/Accused

vs.

K.Palanisamy .. Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned I Additional Sessions Judge, Erode, passed in C.A.No.140 of 2015 on 21.09.2016 confirming the judgment of learned Judicial Magistrate, Fast Track Court I, Erode, passed in S.T.C.No.131 of 2014 on 07.10.2015.

For Petitioner: Mr.M.Guruprasad
For Respondent: No appearance

O R D E R

This revision arises against the judgment of learned I Additional Sessions Judge, Erode, passed in C.A.No.140 of 2015 on 21.09.2016 confirming the judgment of learned Judicial Magistrate, Fast Track Court I, Erode, passed in S.T.C.No.131 of 2014 on 07.10.2015.

2. Respondent/complainant moved a prosecution informing that the petitioner borrowed a sum of Rs.1,00,000/- from him and a cheque bearing No.037007 dated 20.11.2013 drawn on ICICI Bank, Erode, 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, respondent examined himself and marked five exhibits. Petitioner has neither examined any witnesses nor marked any documents.

4. On appreciation of materials before it, trial Court, under judgment dated 07.10.2015, convicted petitioner and sentenced him to six months S.I. and fine of Rs.5,000/- i/d 15 days S.I. There against, petitioner preferred C.A.No.140 of 2015 on the file of learned I Additional Sessions Judge, Erode. Appellate Court, under judgment dated 21.09.2016, dismissed the appeal. There against, the present revision has been filed.

5. There is no representation for respondent. Heard learned counsel for petitioner and perused the materials on record.

6. In arriving at a finding of conviction, Courts below have found that though it has been contended by petitioner/accused that particulars in the cheque has been filled without his knowledge, the same has been misused, the same having been given to the respondent during business transaction and the cheque has not been given by the petitioner to discharge any legally enforceable liability, Courts below have held that the complainant has proved his case and the accused has failed to rebut the presumption u/s.139 of the Negotiable Instruments Act and accordingly, convicted the accused. This Court finds no reason to interfere with the judgments under challenge.

7. The Criminal Revision Case is dismissed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vrc

To

- 1.The I Additional Sessions Judge, Erode.
- 2.The Chief Judicial Magistrate, Erode.
- 3.The Judicial Magistrate No.I, Erode.
- 4.The Section Officer, Criminal Section, High Court, Madras.
5. The Public Prosecutor, High Court, Madras.

Crl.R.C.No.8 of 2017

PVS (CO)
EU(08/01/2018)