

Bail Slip

Crl.R.C.No.606 of 2011:

The Petitioner/Accused namely Mr.N. Sivalinga, aged 47 years, S/o Nanja Gowdar was directed to be released on bail by to order of this court dated 19.04.2011 and made in M.P. No 1/2011 in Crl.R.C.No.606 of 2011.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.606 of 2011

N.Sivalingam

... Petitioner/Accused

-Vs-

D.Balakrishnan

... Respondent/Complainant

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the order of learned Additional District and Sessions Judge, Fast Track Court-I, Coimbatore, passed in C.A.No.146 of 2010 on 04.03.2011, confirming the judgment of learned Judicial Magistrate-II, Coimbatore, passed in C.C.No.681 of 2007 on 17.06.2010.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.S.Gunalan

सतयमेव जयते
O R D E R

This revision is preferred against order of learned Additional Sessions Judge, Fast Track Court-I, Coimbatore, passed in C.A.No.146 of 2010 on 04.03.2011, confirming the judgment of learned Judicial Magistrate-II, Coimbatore, passed in C.C.No.681 of 2007 on 17.06.2010.

2. Respondent/complainant moved a prosecution informing that petitioner/accused borrowed a sum of Rs.2,00,000/- and a cheque dated 25.10.2006 in a sum of Rs.2,00,000/- drawn on Indian Overseas Bank, Kothagiri Branch, stood issued to him by petitioner/accused towards repayment of borrowing, which upon presentation, returned unpaid for the reason 'insufficient

funds'. Respondent/complainant, following the procedure envisaged u/s.138 of the Negotiable Instruments Act, preferred a complaint. The complaint was taken on file in C.C.No.681 of 2007 on the file of learned Judicial Magistrate-II, Coimbatore.

3. Before trial Court, petitioner/accused examined himself as PW-1 and marked 5 exhibits. 3 witnesses were examined on behalf of the defence and 12 exhibits were marked.

4. On appreciation of materials before it, trial Court, under judgment dated 17.06.2010, convicted accused for offence u/s.138 of Negotiable Instruments Act and sentenced him to one year S.I. and fine of Rs.5,000/- i/d 3 months S.I. There against, accused preferred an appeal in C.A.No.146 of 2010 on the file of learned Additional District and Sessions Judge, Fast Track Court-I, Coimbatore. Appellate Court, under judgment dated 04.03.2011, dismissed the appeal and confirmed the findings of conviction as against accused. Hence, this revision.

5. Heard learned counsel for petitioner and learned counsel for respondent as also perused the materials on record.

6. On perusal of the papers, this Court finds no reason to interfere with the findings of conviction entered upon by Courts below. However, taking into consideration the contentions of learned counsel on either side, this Court is of the view that interests of justice would be served by altering the sentence imposed on the petitioner to that of payment of compensation in a sum of Rs.2,00,000/-, to the credit of C.C.No.681 of 2007 on the file of learned Judicial Magistrate-II, Coimbatore, by the petitioner within a period of six months from today. In default he shall undergo one year S.I. On payment thereof, trial Court shall cause notice to PW-1 and effect payment of a sum of Rs.2,00,000/- to him in compensation in keeping with Section 357 Cr.P.C.

7. This Criminal Revision is disposed of with the above modification.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Additional District and Sessions Judge,
Fast Track Court-I,
Coimbatore.

2.The Judicial Magistrate-II,
Coimbatore.

3. The Chief Judicial Magistrate
Coimbatore(for information)

4. The Public Prosecutor
High Court, Madras.

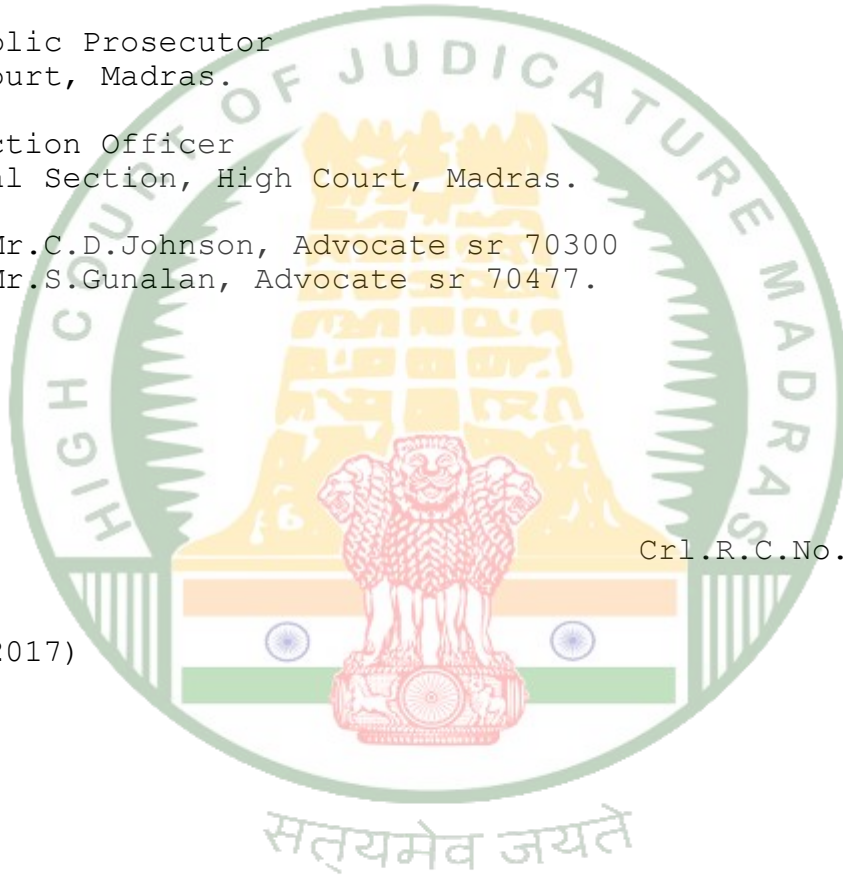
5. The Section Officer
Criminal Section, High Court, Madras.

+1 Cc to Mr.C.D.Johnson, Advocate sr 70300

+1 CC to Mr.S.Gunalan, Advocate sr 70477.

VGII(CO)
SP(10/11/2017)

Cr1.R.C.No.606 of 2011



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