

Bail Slip

The Appellant Therein accused, P.Perumal S/o Palai @ Pappan was released on Bail by the order of this court dated 20/07/2011 in MP.NO.1/2011 in Crl.Rc No.969/2011 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2017

CORAM:

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

CRL.R.C.NO.969 OF 2011

Mr. P. Perumal,
S/o. Palani

...Petitioner

Versus

Mr. T. Raju,
S/o. Thiruvankadam

....Respondent

This Criminal Revision Petition is filed under Section 397 & 401 of Cr.P.C against the judgment passed in C.A.N.32 of 2010 dated 29.04.2011 on the file of the learned Principal Sessions Judge, Namakkal which confirming the judgment of the learned Judicial Magistrate No.II, Namakkal in S.T.C.No.351 of 2009 dated 28.04.2010.

For Petitioner : Mr. C. D. Johnson

For Respondent : No Appearance

O R D E R

सत्यमेव जयते

This revision is preferred against concurrent judgments of the Courts below convicting the petitioner for offence u/s. 138 of the Negotiable Instruments Act and sentencing him to undergo 1 year S.I.

2. Respondent preferred a complaint informing that petitioner borrowed a sum of Rs.3,00,000/- from him and towards repayment thereof, issued a cheque bearing No.098548 dated 10.10.2008 drawn on Indian Overseas Bank (IOB), in such sum. When that cheque was presented for payment on 19.01.2009, the same was returned unpaid for the reason, "insufficient funds". Respondent/complainant had caused statutory notice and preferred a complaint in keeping with Section 138 of the Negotiable

Instruments Act. The same was taken on file in S.T.C.No.351 of 2009 on the file of the learned Judicial Magistrate No.II, Namakkal.

3. Before trial Court, complainant examined himself as sole witness and marked 7 exhibits. On the defence side, one witness was examined and no exhibits were marked.

4. On appreciation of materials before it, trial Court under judgment dated 28.04.2010, rendered a finding of conviction and sentenced the petitioner to undergo 1 year S.I. There against, the petitioner preferred C.A.32 of 2010 before the learned Principal Sessions Judge, Namakkal and the same was dismissed under judgment dated 29.04.2011. Hence, this revision.

5. Heard Mr. C. D. Johnson, learned Senior Counsel for petitioner. There is no representation for respondent.

6. This Court is of the view that it will be appropriate to alter the sentence while affirming the conviction as this Court finds no reason to interfere with the finding of the Courts below. Hence, the finding of conviction for offence u/s.138 of the Negotiable Instruments Act shall stand confirmed. However, this Court would modify the sentence to one requiring the petitioner to effect payment in a sum of Rs.3,00,000/- in compensation to respondent within a period of six months from today in default, 1 year S.I.

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

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Sessions Judge,
Namakkal.

2. The Judicial Magistrate No.II,
Namakkal.

3. The District Collector,
Namakkal District, Namakkal.

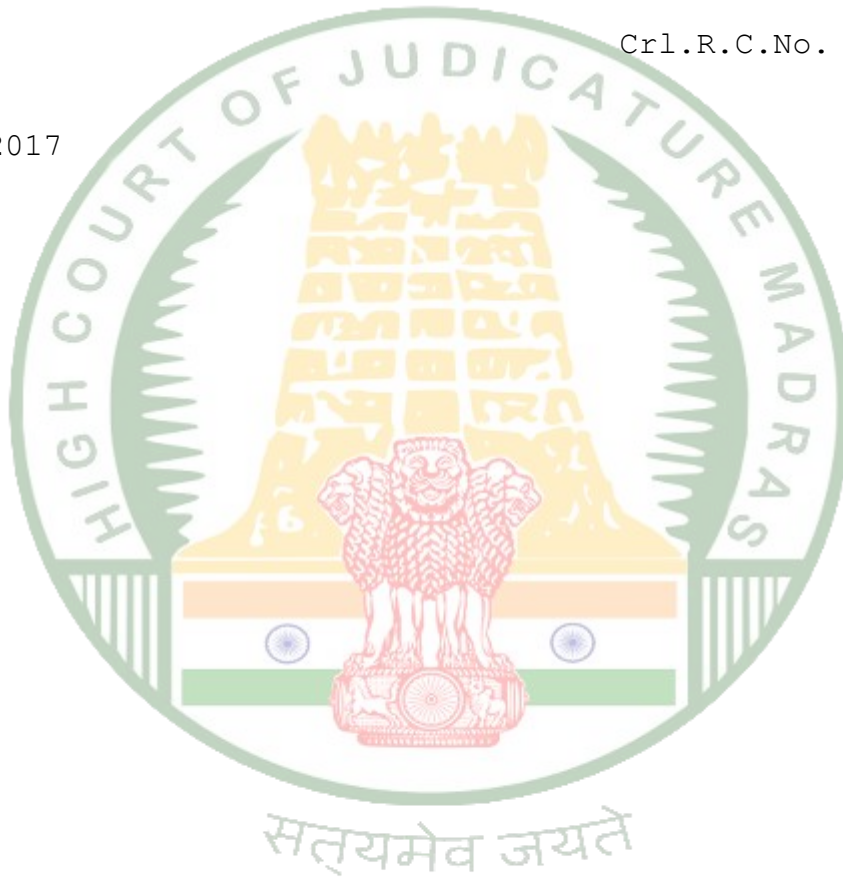
4.The Director General of police,
Mylapore, Chennai-4.

5.The Superintendent,
Central Prison, Coimbatore.

6. The Public Prosecutor,
High Court,
Madras.

Crl.R.C.No. 969 of 2011

LRS (CO)
NR 20/11/2017



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