

BAIL SLIP

The Revision Petitioner namely R.Samraj, in Crl Rev. P. 434 of 2015 (accused in Criminal Appeal No.40 of 2014 on the file of III Additional District and Sessions Judge, cuddlaore at virudhachalam) was released on bail vide order of this court, dated 30.04.2015, made in Crl. M.P. No.1 of 2015 in Crl R.C. No.434 of 2015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.434 of 2015

R.Samraj,
S/o. Rajarathinam Petitioner/Accused

-vs-

S.Ramalingam,
S/o.Shanmugam Respondent/ Complainand

Criminal Revision Petition filed under Section 397 r/w Section 401 of the Code of Criminal Procedure against the order of the learned III Additional District and Session Judge, Cuddalore at Vridhachalam in C.A.No.40 of 2014 confirming the order of the learned District Munsif cum Judicial Magistrate, Tittakudi made in S.T.C.No.369/2011.

For Petitioner : Mr.J.Selvarajan.

For Respondent : Mr.Veera Sekaran.

ORDER

This Court has reserved orders in this revision on 02.03.2017 and an orders have not been passed towards affording the petitioner an opportunity to effect payment and compound the offence. Presently, learned counsel for petitioner informs that he has no instructions. On consideration, this Court finds that

this revision is to be dismissed for following reasons.

2. This revision arises against two concurrent judgments of Courts below convicting the petitioner for offence u/s.138 of the Negotiable Instruments Act and sentencing him to 2 months S.I. and to pay compensation of Rs.3,00,000/- to the complainant within 3 months i/d 1 month S.I.

3. Respondent/complainant moved a prosecution informing that petitioner/accused borrowed a sum of Rs.2,00,000/- from him and towards repayment thereof, postdated cheque bearing No.945627 dated 02.07.2011 drawn on ICICI Bank, Trichy Condonement Branch, stood issued to him, 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.

4. Before the trial Court, respondent/complainant examined himself and marked four exhibits. On the side of petitioner/accused no witness has been examined and no document has been marked.

5. On appreciation of materials before it, the trial Court, under judgment dated 19.08.2014, convicted the petitioner and sentenced him to 2 months S.I. and to pay compensation of Rs.3,00,000/- to the complainant within 3 months i/d 1 month S.I. The appeal preferred by petitioner in C.A.No.40 of 2014 on the file of learned III Additional District and Sessions Judge, Cuddalore at Vriddhachalam, came to be dismissed under judgment dated 06.04.2015. Hence, this revision.

6. Heard learned counsel for petitioner and learned counsel for respondent. Perused the materials on record.

7. In convicting the petitioner, Courts below have found that no reply had been caused to the statutory notice. The cheque had not been returned for the reason that the signature differed. No suggestion of the signature on the cheque not being that of petitioner has been made to complainant while cross-examining him. The contention of denial of signature on the cheque as also acknowledgement has been made belatedly at the stage of arguments. On the one hand, signature on the cheque was denied while on the other it was suggested to complainant that the cheque amount was repaid. There has been no payment pursuant to receipt of statutory notice. In such circumstances, Courts below arrived at a finding of conviction. This Court finds no error in the judgments under challenge.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

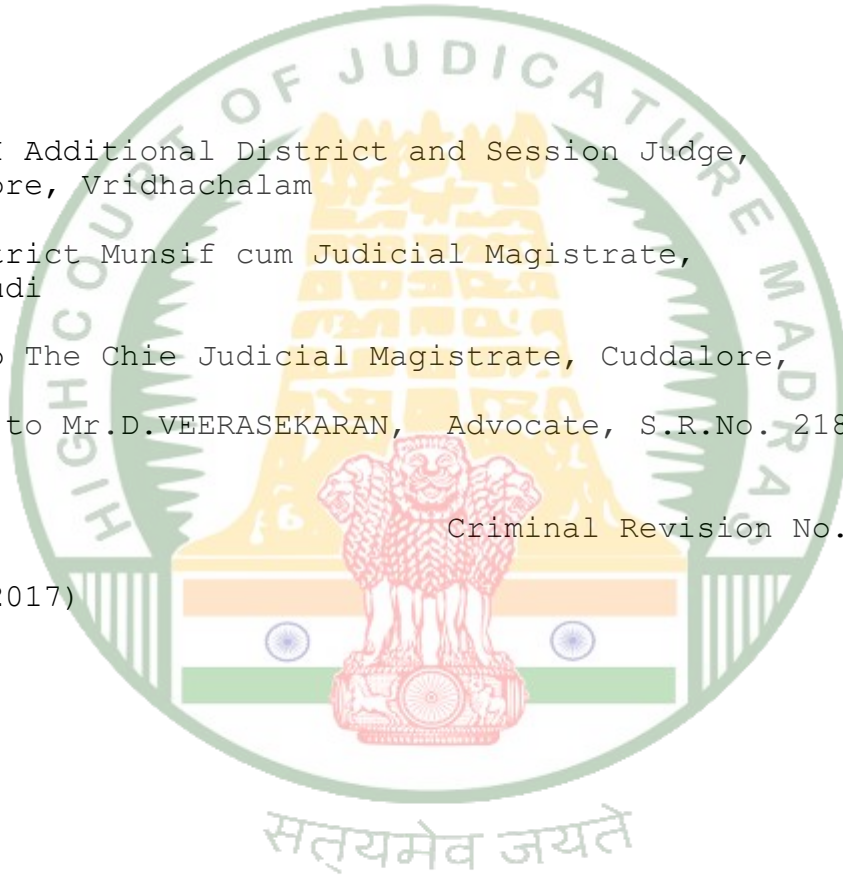
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To

1. The III Additional District and Session Judge,
Cuddalore, Vridhachalam
2. The District Munsif cum Judicial Magistrate,
Tittakudi
3. do Thro The Chief Judicial Magistrate, Cuddalore,
+1cc to Mr.D.VEERASEKARAN, Advocate, S.R.No. 21841

Criminal Revision No.434 of 2015

TR(06/12/2017)



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