

BAIL SLIP

Murugesan,

The Petitioner herein was directed to be released on bail as per order of this Court, dated 01.12.2016 made in CRL.M.P.No.12882 of 2016 in CRL.R.C.No.1576 of 2016 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1576 of 2016

Murugesan
S/o.Lakshmanan

... Petitioner

vs

S.Vasantha
w/o.Srinivsan

... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the judgment of learned Principal District and Sessions Judge, Krishnagiri, passed in C.A.No.14 of 2015 on 01.04.2016 modifying the judgment of learned Judicial Magistrate, Fast Track Court, Hosur passed in S.T.C.No.194 of 2014 on 20.02.2015.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.M.P.Saravanan

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O R D E R

This Court has reserved orders in this revision on 01.12.2016. The matter was listed on 19.09.2017 under the caption "for orders". Thereafter, upon request, the case was adjourned to 20.09.2017. Today, the matter is listed under the caption 'for orders'.

2. This revision is preferred against judgment of learned Principal District and Sessions Judge, Krishnagiri, passed in C.A.No.14 of 2015 on 01.04.2016 modifying the judgment of learned Judicial Magistrate, Fast Track Court, Hosur passed in S.T.C.No.194 of 2014 on 20.02.2015.

3. Respondent preferred a private complaint informing that the petitioner and his wife let out their house for lease to the complainant for a consideration of Rs.3,50,000/-. Petitioner borrowed a sum of Rs.3,00,000/- from the respondent on 22.03.2013. Petitioner vacated the complainant from the house without returning the loan amount nor the lease amount. Petitioner issued a cheque dated 14.07.2014 for a sum of Rs.3,00,000/- drawn on ING vysya Bank, Hosur branch bearing No.730857. When presented on 17.07.2014 the same was returned unpaid for the reason " account closed". Respondent/complainant preferred complaint following the procedure envisaged u/s.138 of the Negotiable Instruments Act and the same was taken on file in S.T.C.No.194 of 2014 on the file of learned Judicial Magistrate, Fast Track Court, Hosur.

4. Before the trial Court, respondent examined herself and marked five exhibits. None were examined on behalf of the defence nor were any exhibits marked.

5. On appreciation of materials before it, trial Court, under judgment dated 20.02.2015, convicted petitioner and sentenced him to 6 month S.I. and was directed to pay compensation in a sum of Rs.3,00,000/- to respondent/complainant. There against, petitioner preferred an appeal in C.A.No.14 of 2015 on the file of learned Principal District and Sessions Judge, Krishnagiri, which came to be dismissed. There against, the present revision has been filed.

6. Heard learned counsel for petitioner and learned counsel for respondent.

7. Though learned counsel for petitioner initially had touched upon the merits of the defence of petitioner, learned counsel restricts himself to the question of sentence.

8. This Court, in the circumstances, while confirming the finding of conviction rendered by Courts below, is inclined to modify the sentence as follows:

"Petitioner/accused is directed to deposit Rs.3,50,000/- (Rupees Three Lakh and Fifty Thousand only) to the credit of S.T.C.No.194 of 2014 on the file of learned Judicial Magistrate, Fast Track Court, Hosur. The said sum shall be deposited by petitioner within a period of three months from today i/d 6 months

S.I. Such sum shall be paid over to respondent/complainant by way of compensation on due application."

This Criminal Revision is disposed of with the above modification. Consequently, connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

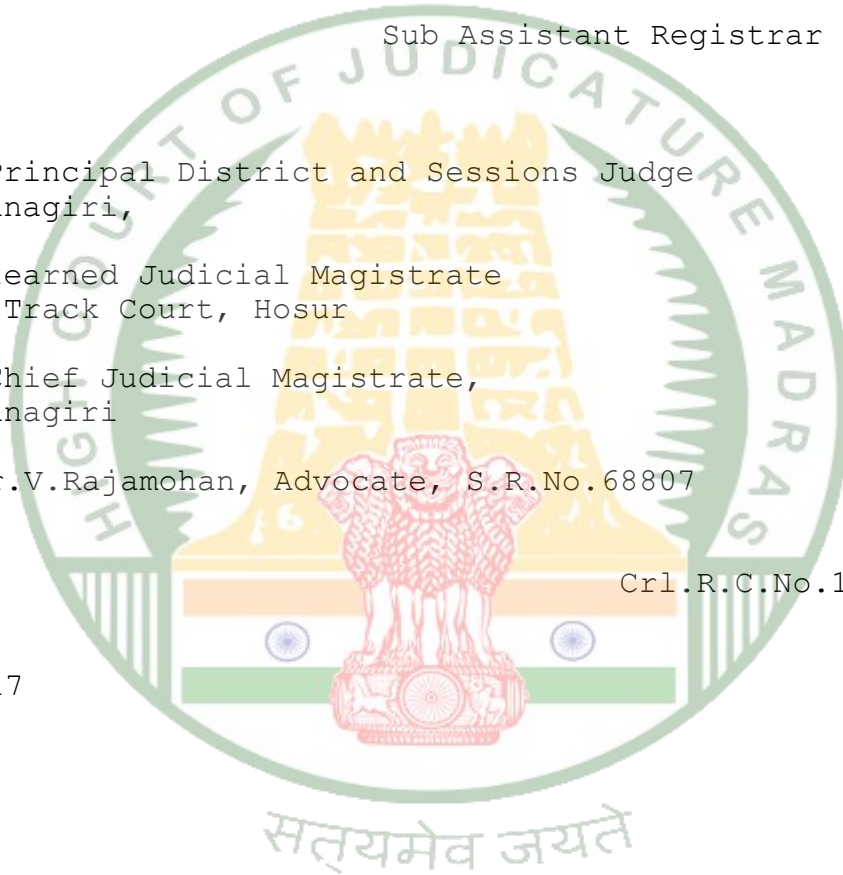
To

1. The Principal District and Sessions Judge
Krishnagiri,
2. The learned Judicial Magistrate
Fast Track Court, Hosur
3. The Chief Judicial Magistrate,
Krishnagiri

+1cc to Mr.V.Rajamohan, Advocate, S.R.No.68807

Crl.R.C.No.1576 of 2016

KS (CO)
CS/15/12/17



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