

Bail Slip

The Petitioner/Accused namely 1) M/s. Velavaa & Co., A.Partnership firm rep. by its parties S.R.Baladandapani, 4, Geetha Building, 333 Nehru Street, Ram Nagar, Coimbatore 641 009. 2) S.R. Baladandapani were directed to be released on bail as per the order of this court dated 12.08.2010 in CrI.MP.NO.1/2010 in CrI.RC.No.708 of 2010 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.708 of 2010

1.M/s. Velavaa & Co
A partnership Firm
represented by its partner
S.R.Baladandapani, 4, Geetha Building
333 Nehru Street, Ram Nagar
Coimbatore- 641 009

2.S.R.Balandandapani ... Petitioners

Vs.

M/s.Preethi Enterprises
a Proprietrix concern by Proprietrix
Pista Devi Jhalaria
Rep by Power of Attorney K.Sekar
No.9, Ramalinga Nagar
4th cross, Saibaba colony,
Coimbatore-641 011

... Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the judgment of learned Additional District and Sessions Judge, Fast Track Court No.II, Coimbatore, passed in C.A.No.107 of 2009 on 30.04.2010 confirming the judgment of learned Judicial Magistrate I, Coimbatore, passed in S.T.C.No.2582 of 2006 on 11.08.2009.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : No Appearance

O R D E R

This Court has reserved orders in this revision on 11.08.2017. Today, the matter is listed under the caption 'for orders'.

2. This revision arises against two concurrent judgments of Courts below convicting petitioner for offence u/s.138 of the Negotiable Instruments Act and sentencing him to 2 years R.I. and each fine of Rs.5,000/- i/d 2 months S.I.

3. Respondent/complainant moved a prosecution informing that first accused used to purchased cotton yarn on credit basis from him and there was an outstanding of Rs.2,35,000/- payable by first accused. Towards discharge of the said liability, second accused issued a cheque dated 20.10.2005 drawn on Bank of India, R.S.Puram branch, Coimbatore. Upon presentation, the cheque 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. The complaint was taken on file in S.T.C.No.2528 of 2006 on the file of learned Judicial Magistrate I, Coimbatore.

4. Before trial Court, respondent/complainant examined himself and marked 6 exhibits. None were examined on behalf of defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgment dated 11.08.2009, convicted petitioner/accused and sentenced them to 2 year R.I. and each to pay a fine of Rs.5,000/- i/d. 2 months S.I. There against, petitioner/accused preferred an appeal in C.A.No.107 of 2009 on the file of learned Additional District and Sessions Judge, Fast Track Court II, Coimbatore, which came to be dismissed under judgment dated 30.04.2010. Hence, this revision.

5. Heard learned counsel for petitioner. There is no representation for the respondent.

6. In convicting the petitioner, Courts below have found that petitioner/accused has not disputed issuance of cheque and the signature found therein. Petitioner/accused has not chosen to examine himself to prove his case and has not caused reply to the statutory notice denying the liability. Further, a perusal of Ex.P2, Account Statement, revealed that there was money transactions between parties. For the aforesaid reasons and for other reasons, Courts below have found that respondent/complainant has clearly proved his case and petitioner/accused has failed to rebut the presumption u/s.139 of the Negotiable Instruments Act. This Court finds no reason to interfere with the judgments under challenge.

The Criminal Revision Case shall stand dismissed.
Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The Additional District and Sessions Judge,
Fast Track Court No.II,Coimbatore
2. The Judicial Magistrate I, Coimbatore.
- 3.-do- Thro The Chief Judicial Magistrate Coimbatore.
4. The District Collector, District Magistrate, Coimbatore.
5. The Director General of Police,
Tamil Nadu, Mylapore, Chennai-4,
6. The Superintendent of Central Prison, Coimbatore.
7. The Public Prosecutor, High Court, Madras.
8. The Section Officer, Crl.Record Section,
High Court, Madras. (2-copies)

Crl.R.C.No.708 of 2010

BR(CO)
EU(06/04/2018)



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