



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

Crl.R.C.(MD) No.274 of 2018

and

Crl.M.P.(MD) No.5196 of 2018

M.Jafar Shathik

... Petitioner

Vs.

Mayandi

... Respondent

PRAYER: The Criminal Revision Case filed under Section 397 r/w Section 401 of the Code of Criminal Procedure, to set aside the judgment made in Crl.A.No.17 of 2015 on the file of the Additional District Sessions Court, Periyakulam, dated 08.01.2018 confirming the judgment made in S.T.C.No.28 of 2012 on the file of the judicial Magistrate (FTC), Uthamapalayam, dated 22.04.2015 convicting the petitioner for an offence under Section 138 of Negotiable Instruments Act and sentence him to undergo three months rigorous imprisonment and Rs.5,000/- fine in default one week simple imprisonment.

For Petitioner : Mr.N.Madhava Govindan

For Respondent : Mr.C.M.Arumugam

ORDER

This revision case is directed against the concurrent finding of the Courts below in the matter of arising under Section 138 of Negotiable Instruments Act. For the cheque Rs.3,000/- dishonored, the respondent herein has initiated the proceedings against the petitioner. While the petitioner admits the transaction, disputes the amount. According to the petitioner, a blank signed cheque issued to the complainant as security for a loan of Rs.35,000/-, has been misused by the complainant by filling it up. To substantiate the said defence, the petitioner has elicited during cross - examination of P.W1 / complainant that the color of the ink in respect of the writings and the signature differs. Further, he has also examined one Vellaichamy as D.W2 to show that the loan of Rs.35,000/- borrowed by the petitioner, was discharged. However, the complainant did not return the cheque. The said defence has not been accepted by the Courts below, this Court has no second opinion about the reasoning given by the Courts below.

2. When the petitioner was given an opportunity to reply or respond to the statutory notice, he has not put forth this explanation. Further, while cross examining himself as D.W1, he admits the liability, issuance of cheque and the money transaction prevailing him and the complainant.



3. In such circumstances, when there is no illegality or perversity in the findings of the Courts below, there is no scope for this Court to entertain this petition.

4. Hence, this revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Additional District Sessions Judge,
Periyapalayam.

2. The Judicial Magistrate, (Fast Track Court),
Uthamapalayam.

+1cc to M/S.N.Madhava Govindan, Advocate SR.No. 79295

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mm

JM/SKN RSK/SAR 2/05.09.2018/2P/4C