

Bail Slip

The Petitioner/Accused Viz., V.Varadharaj S/O P.Veerasamy were released on bail as per the order of this Court dated 05/01/2011 in CrI.M.P.No.2/11 in CrI RC No.18 to 20/11 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Revision Case Nos.18 to 20 of 2011

V.Varadharaj ... Petitioner/Appellant/Accused in
all cases

/versus/

R.Mottaisamy .. Respondent/Respondent/Complainant
in all cases

CrI.R.C.No.18 of 2011: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the entire records in so far relates to order passed by the Additional District and Sessions Court/FTC-V, Tiruppur in C.A.No.150/2010 dated 30.09.2010 whereby confirming the order passed in C.C.No.3864/2006 dated 22.06.2010 on the file of Judicial Magistrate-II, Tiruppur, Tiruppur District and set aside the same.

CrI.R.C.No.19 of 2011: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the entire records in so far relates to order passed by the Additional District and Sessions Court/FTC-V, Tiruppur in C.A.No.152/2010 dated 30.09.2010 whereby confirming the order passed in C.C.No.3866/2006 dated 22.06.2010 on the file of Judicial Magistrate-II, Tiruppur, Tiruppur District and set aside the same.

CrI.R.C.No.20 of 2011: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the entire records in so far relates to order passed by the Additional District and Sessions Court/FTC-V, Tiruppur in

C.A.No.151/2010 dated 30.09.2010 whereby confirming the order passed in C.C.No.3865/2006 dated 22.06.2010 on the file of Judicial Magistrate-II, Tiruppur, Tiruppur District and set aside the same.

For Petitioner :Mr.S.Ashokkumar, Senior Counsel
(in all cases) for Mr.A.Sasidharan

For Respondent :Mr.P.Tamilavel
(in all cases)

COMMON ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondent.

2.These revision petitions are directed against the concurrent finding of the Courts below in these matters arising out of Section 138 of the Negotiable Instruments Act, 1881.

3.The case of the complainant/respondent herein in Crl.R.C.Nos.18, 19 and 20 of 2011 is that the accused had commercial transaction with the complainant regarding purchase of maida flour and wheat flour. He owe a sum of Rs.3,14,215/-. To discharge the said debt, the accused gave three cheques for Rs.1,00,000/-, Rs.1,00,000/- and Rs.94,125/- respectively dated 15.05.2001, 30.04.2001 and 30.05.2001 respectively drawn on Dhanalakshmi Bank in favour of the respondent/complainant company. When the said cheques were presented for collection on 09.08.2001, the same were returned on 17.08.2001, 30.07.2001 respectively with an endorsement as "insufficient fund". Therefore, the respondent/complainant had issued statutory notice to the petitioner on 01.09.2001, 08.08.2001 01.09.2001 respective and thereafter, he filed complaint in respect of three cheques before the Judicial Magistrate No.II, Tiruppur, which were taken on file by the Court in S.T.C. Nos.3864 of 2006, 3866 of 2006 and 3865 of 2006 respectively.

4. After considering the oral and documentary evidence, the trial Court has held the accused guilty and sentenced him to undergo one year Simple Imprisonment in each of the cases and imposed fine twice the respective cheque amount as compensation. Aggrieved by the order of conviction and sentence, the petitioner has preferred three appeals in Crl.A.Nos.150 to 152 of 2010 respectively. The lower appellate Court has also confirmed the order of the trial Court. Aggrieved by the concurrent judgment passed by the lower appellate Court, these three revision petitions are preferred by the petitioner.

5. When these matters were taken up for consideration, the Court has found that the cheques were issued for discharge of the debt and therefore, return of the cheques for want of fund attracts the penal provisions under the Negotiable Instruments Act, 1881. However, the sentence imposed upon the accused viz., one year Simple Imprisonment and twice the respective cheque amount appear to be very excessive. Since the complainant has failed to honour his commitments due to loss in business, committing the accused to prison no way will help the complainant or enhance the spirit of justice. Therefore, the sentence being found excessive. It was proposed to the learned counsel appearing for the petitioner whether the petitioner is ready to pay the cheques amount which all the three cases put together is Rs.2,94,125/-.

6. Today, the learned counsel appearing for the petitioner represented that the petitioner has taken two Demand Drafts one for Rs.2,00,000/- and another for Rs.1,00,000/- drawn in favour of the complainant's company and the same are accepted by the learned counsel appearing for the respondent/complainant.

7. Recording the payment of Rs.3,00,000/- as against the three cheques, which are the subject matter of these revision petition Nos.18,19, and 20 of 2011. Accordingly, these Criminal Revision Cases are disposed of as offence being compounded under Section 147 of the Negotiable Instruments Act, 1881. Bail bond, if any executed by the accused shall stand discharged. Connected Miscellaneous Petitions are closed if any.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Additional District and Sessions Court/FTC-V,
Tiruppur.

2.-Do- Thro The Principal District and
Sessions Judge, Tiruppur.

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3.The Judicial Magistrate-II,
Tiruppur, Tiruppur District.

4.The Chief Judicial Magistrate,
Thiruppur.

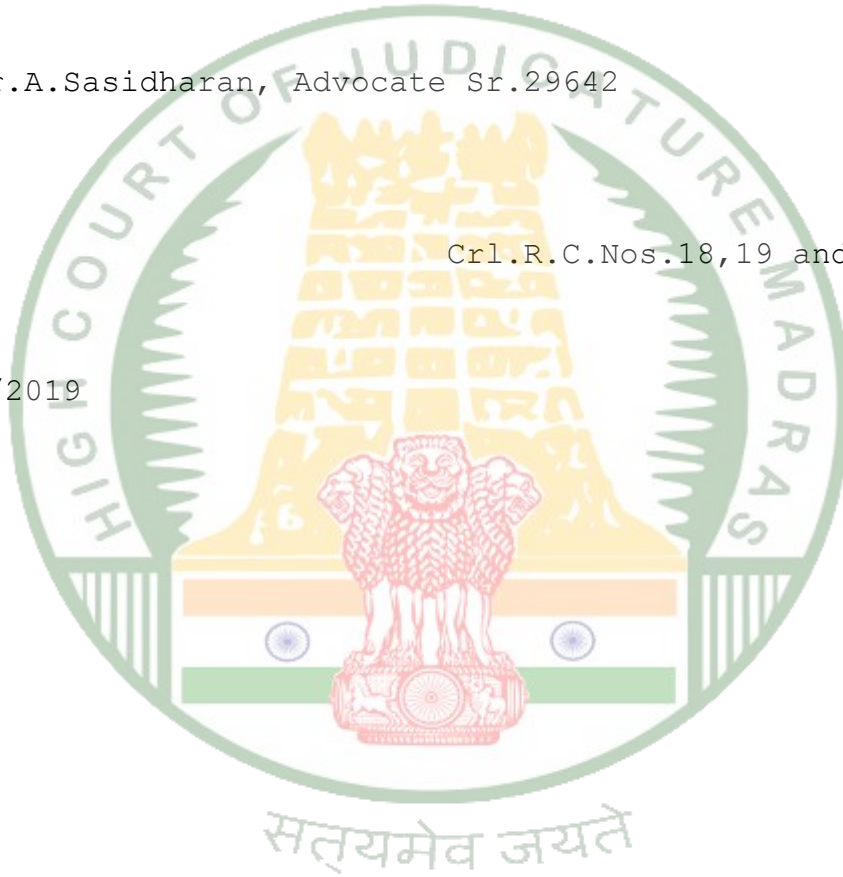
Copy to

The Section Officer,
Criminal Section, High Court.

+1cc to Mr.A.Sasidharan, Advocate Sr.29642

Crl.R.C.Nos.18,19 and 20 of 2011

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