

Bail Slip

The Accused namely The Proprietor, M/s. Madha Transport/1st Accused and Dhanam, Proprietor M/s. Madha Transport/2nd Accused in CC.Nos.523/05, 766, 1191, 767, 1344/04, 28, 212, 408/05, 1192 and 759/04 on the file of the Learned Judicial Magistrate, Tambaram were directed to be released on bail in MP Nos.1 to 1/11 in CrI RC.Nos.21 to 30/11 dated 06/01/2011 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C.Nos.21 to 30 of 2011
and M.P.Nos.1 of 2011 (10 M.Ps)

1. M/s. Madha Transport
rep. by its Proprietor
Having its office at
No.4/29, Gandhi Road,
West Tambaram. Chennai-600 045.
2. Dhanam,
Proprietor
M/s. Madha Transport
No.10/24, Anchaneayar Koil Street,
East Tambaram, Chennai-600 059.
... Petitioners/Appellants/Accused 1 & 2 in all CrI.R.C.Nos.

Vs.

Boopala ... Respondent/Complainant in all CrI.R.C.Nos.

Common Prayer: Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the the judgment of the learned Additional District and Sessions Judge, (Fast Track Court No.I), Chengalpattu made in C.A.No.21, 22, 24, 23, 26, 27, 28, 29, 25 and 30 of 2007 respectively dated 22.12.2010 in C.C.No.523 of 2005, 766, 1191, 767, 1344 of 2004, 28, 212, 408 of 2005, 1192 and 759 of 2004 respectively on the file of learned Judicial Magistrate, Tambaram dated 27.02.2007 and set aside the order directing the revision petitioners to pay compensation of Rs.1,28,000/-, Rs.64,000/-, Rs.1,28,000/-, Rs.1,28,000/-, Rs.1,28,000/-, Rs.1,28,000/-, Rs.1,28,000/-, Rs.1,28,000/- respectively under Section 357(3) of Cr.P.C. and acquit the petitioners.

For Petitioners : Mr.R.Vijayakumar

COMMON ORDER

These Criminal Revision Cases are preferred by the accused challenging the concurrent findings of the Courts below.

2.Earlier when the matter was listed for final disposal on 29.08.2017, the learned counsel appearing for the revision petitioners has reported to this Court that the cases have been returned to the petitioners along with consent for change of vakalat. Therefore, this Court had directed the Registry to serve notice to the revision petitioners/accused. In fact the revision petitioners have not taken any steps to serve notice to the respondent/complainant. However, at the earliest point of time i.e. on 03.08.2015 from the records, this Court finds that the matter was referred to Mega Lok Adalat on 08.08.2015 and at that time the complainant alone was present. The revision petitioners were absent and they have not come forward for any settlement.

3.Since this matter is arising out of private complaint for issuing a cheque without sufficient fund, the complainant Boopalan has filed complaints against Madha Transport and its Proprietor Dhanam for dishonoring of cheque without sufficient funds. Both the Courts below on facts and in law, have found that the cheques were issued to discharge legal enforceable debt. However, the cheque have not been honoured by the revision petitioners/accused. As a result, held them guilty and convicted.

4.In these revision petitions, the accused have raised a plea that in the normal business transaction, person who has lent loan will not await for 1 ½ years to present the cheque and realize the due. Therefore, the Courts below ought not to have presumed enforceable debt. The said plea has no substance, since the accused/revision petitioner have not placed any evidence to rebut the presumption. They have not even responded the statutory notice. The revision petitioners, in fact, after being held guilty by the Courts below, has not taken care to conduct the revision petitions in CrI.R.C.No.21 to 30 of 2011. They have not even served notice to the respondent/complainant despite the order of this Court and they had not participated in the Lok Adalat when they were called to participate in the same.

5.With the above all, this Court finds no error or illegality in the order passed by the Courts below and finds no merits in these petitions. Hence, the Criminal Revision Cases are dismissed. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate, Tambaram
- 2.The Additional District and Sessions Judge,
(Fast Track Court No.I), Chengalpattu.
3. The Chief Judicial Magistrate, Chengalpattu.
4. The Superintendent, Central Prison, Puzhal.
5. The Superintendent of Police, Chengalpattu.

CrI.R.C.Nos.21 to 30 of 2011
and M.P.Nos.1 of 2011

RV (CO)
GMY (10/04/2019)

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