

Bail Slip

The Petitioner/Accused Viz., S.Rathinasamy S/O Subbaiya was directed to be released on Bail as per the order of this Court dated 02/04/2014 in M.P.No.1 of 2014 in Crl.R.C.No.373 of 2014 on the file of this Hon'ble Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Revision Case No.373 of 2014

S.Rathinasamy .. Petitioner

/versus/

M.Rajamani .. Respondent

Criminal Revision Case filed under Section 397 and 401 of the Criminal Procedure Code praying to set aside the conviction imposed in the judgment dated 18.10.2011 made in C.C.No.130 of 2006 on the file of the Judicial Magistrate, Mettupalayam and the same was confirmed in the judgment dated 22.01.2014 made in C.A.No.251 of 2011 on the file of the V Additional District and Sessions Judge, Coimbatore by allowing the criminal revision petition.

For Petitioner :Mr.M.Guruprasad

For Respondent :Mr.C.Prakasam

O R D E R

As against the cheque amount of Rs.30,000/-, the trial Court has directed the accused to undergo Rigorous Imprisonment for one year and to pay a compensation of Rs.32,035/-. On appeal, the lower appellant Court has confirmed the conviction and sentence imposed by the Court. As against the said conviction and sentence the present revision petition is filed.

2. The learned counsel appearing for the petitioner and the respondent present.

3. The learned counsel appearing for the petitioner would submit that the accused has come forward to pay the compensation amount of Rs.31,035/- and therefore, the imprisonment may be

modified. To that effect a Demand Draft for Rs.12,035- drawn on Corporation Bank, Mettupalayam, in favour of the respondent/complainant K.Rajamani is handed over to the learned counsel appearing for the respondent by the learned counsel appearing for the petitioner. Further, the learned counsel appearing for the petitioner would submit that already a sum of Rs.20,000/- has been deposited into the account of C.C.No.130 of 2006 on the file of the Judicial Magistrate, Mettupalayam in compliance with the condition imposed by this Court while granting suspension of sentence on 02.04.2014. The petitioner/accused agrees to permit the complainant/respondent to withdraw the said amount from the Court of the Judicial Magistrate, Mettupalayam.

4. Both the Courts below on fact found the accused guilty for the offence under Section 138 of the Negotiable Instrument Act, 1881. This Court finds no error in the factual finding of the Courts below. However, regarding the sentence compensation of the cheque amount will be adequate instead of imprisonment.

5. Therefore, the sentence imposed on the accused/revision petitioner is modified to the effect that the petitioner shall pay a fine of Rs.32,035/- as compensation. The accused now paid a sum of Rs.12,035/- by way of Demand Draft, besides, a sum of Rs.20,000/- deposited in the C.C. account while granting suspension of sentence. The complainant/respondent herein is permitted to withdraw the amount of Rs.20,000/- deposited in the account C.C.No.130 of 2006 on the file of the Judicial Magistrate, Mettupalayam.

6. Accordingly, this Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The V Additional District and Sessions Judge,
Coimbatore.

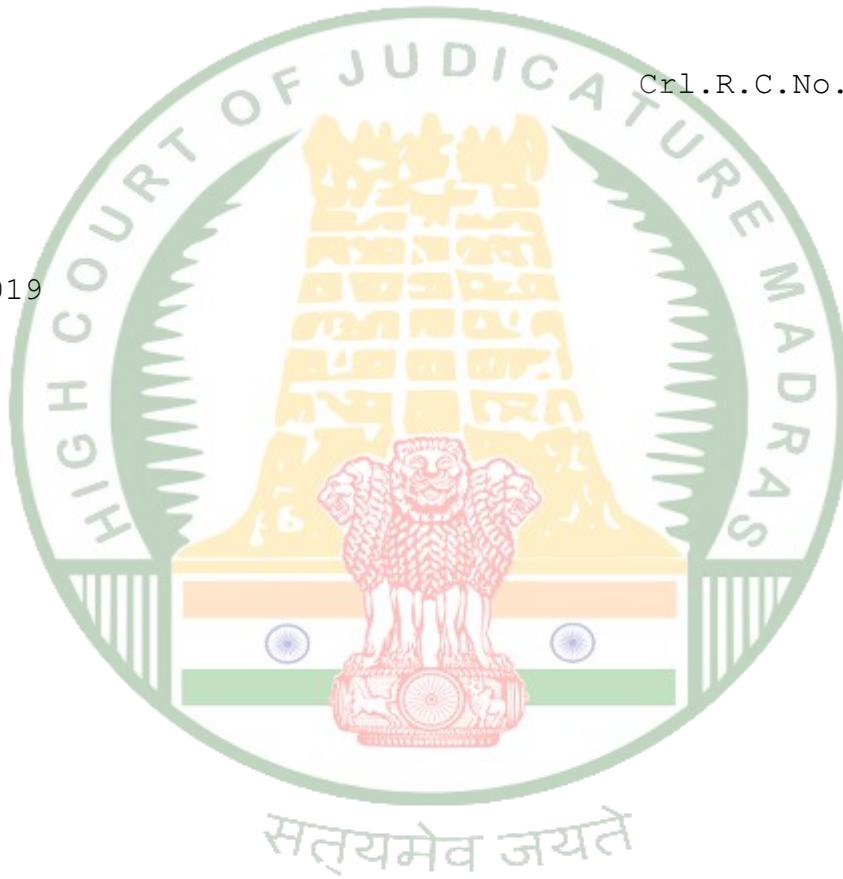
2.The Judicial Magistrate,
Mettupalayam.

3.The Chief Judicial Magistrate,
Coimbatore.

+lcc to Mr.C.Prakasam, Advocate Sr.31707

Cr1.R.C.No.373 of 2014

pm[co]
srg 9/5/2019



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