

Bail Slip

The Petitioner/Accused namely J.Devi W/o.Jayakumar released on bail in and by the order dated 04.10.2019 made in CRL.MP.14407/2019 in CrI.R.C.No.1051 of 2019 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.RC.No.1051 of 2019

J.Devi .. Petitioner/accused

Vs

M.Rajendiran .. Respondent/complainant

Prayer: The Criminal Revision Petition has been filed under section 397 and 401 of Cr.P.C, to call for the records and set aside the order of conviction and sentence passed against the petitioner/accused in STC.No.164/2012, dated 21.11.2015, by the Judicial Magistrate, Fast Track Court, Magisterial Level No.II, Poonamallee, confirming the judgment dated 11.08.2016, made in CrI.A.No.88/2015, by the Principal District Judge, Thiruvallur.

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.R.Rajakarthikeyan

ORDER

1.This Criminal Revision Petition has been filed by the petitioner/accused, seeking set aside the order of conviction and sentence passed against the petitioner/accused in STC.No.164/2012, dated 21.11.2015, by the Judicial Magistrate, Fast Track Court, Magisterial Level No.II, Poonamallee, confirming the judgment dated 11.08.2016, made in CrI.A.No.88/2015, by the Principal District Judge, Thiruvallur.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and also perused the materials on record.
3. The learned counsel for the petitioner would submit that the Trial Court by order dated 21.11.2015, in S.T.C.No.164/2012, found the accused guilty for the offence under Section 138 of the Negotiable Instrument Act, 1881 and sentenced to undergo Three Months Simple Imprisonment and directed the petitioner/accused, to pay an amount of Rs.3,20,000/- to the complainant as compensation, under Section 357(3) of Cr.P.C., in default, to undergo Simple Imprisonment for One Month. As against the said order of conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.88/2015, before the Principal District Judge, Thiruvallur and the Appellate Court by judgment dated 11.08.2016, dismissed the appeal, confirming the judgment passed by the Trial Court. While, the petitioner was taking steps for the revision against the judgment of the Courts below, the petitioner was arrested on 16.09.2019 and now the petitioner is in custody for 23 days. Thereafter, the petitioner/accused had paid Rs.1,00,000/- to the respondent/complainant on 04.10.2019, pursuant to which, this Court granted bail and the petitioner was released on bail on 09.10.2019.
4. The learned counsel for the petitioner would further submit that thereafter, the petitioner has paid an amount of Rs.1,00,000/- on 25.10.2019 and today i.e., (22.11.2019) he has paid the balance amount of Rs.1,20,000/- and thereby, the entire compensation amount has been paid to the respondent/complainant and would submit that the revision is filed only on the ground challenging the sentence and would pray that the sentence may be ordered to one period already undergone.
5. The learned counsel for the respondent/complainant would submit that the entire compensation amount awarded by the Trial Court as confirmed by the Appellate Court, has been paid by the petitioner/accused and that he has no objection in the sentence of imprisonment imposed by the petitioner/accused being modified.
6. I have gone through the orders passed by the Courts below.
7. In view of the above, the criminal revision petition stands partly allowed, confirming the conviction passed by the Trial

Court and confirmed by the Appellate Court and however, the sentence awarded is set aside and the sentence of imprisonment alone is modified to the period already undergone by the petitioner/accused. The Bail Bond if any executed by the petitioner/accused shall stand cancelled and fine amount if any paid, shall be returned to the petitioner/accused and the petitioner/accused need not surrendered.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Judicial Magistrate, Fast Track Court,
Magisterial Level No.II, Poonamallee.
2. The Principal District Judge, Thiruvallur.
- 3.The Superintendent,
Central Prison for Women,
Puzhal, Chennai.
- 4.The Chief Judicial Magistrate,
Thiruvallur(for information)
- 5.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.R.Rajasekaran, Advocate sr.97502

Cr1.RC.No.1051 of 2019

ak(co)
nr 20/01/2020