



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

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Crl.R.C (MD)Nos.938 to 940 of 2011

1.M/s.Mercury Associates,  
No.3A, Kongunagar Extension 1<sup>st</sup> Street,  
Tirupur-7.  
Coimbatore District.  
Through its Partner Mr.V.Sivakumar

2.Mr.V.Sivakumar ... Petitioners in all Crl.R.Cs.

Vs

1.M/s.Rupa Industries,  
No.17-C Panaithottam Street,  
Kovilpatti,  
Through its Manager,  
Mr.M.Chandrasekaran.

... Respondent  
in Crl.R.C.(MD)Nos.938 and 939 of 2011

2.M/s.Excle Polymers,  
No.17-C, Pannaithottam Street,  
Kovilpatti,  
Through its Account,  
Mr.C.Selvaraj  
S/o.Mr.M.Chandrasekaran.

... Respondent  
in Crl.R.C.(MD)No.940 of 2011

**Prayer in Crl.R.C.(MD)No.938 of 2011:** Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the Judgment and Conviction passed by the learned Judicial Magistrate No.1, Kovilpatti in C.C.No.243 of 2006, dated 27.11.2009 convicting the accused no.2 for the alleged offences under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and imposed to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and since the accused no.1 is the company convicted and sentenced to pay a fine of Rs.2,000/- and the same was confirmed by the learned Additional Sessions Judge, Fast Track Court No.1, Tuticorin in C.A.No.119 of 2009, dated 18.07.2011.

**Prayer in Crl.R.C.(MD)No.939 of 2011:** Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the Judgment and Conviction passed by the learned Judicial Magistrate No.1,

<https://hcservices.ecourts.gov.in/hcservices/>



Kovilpatti in C.C.No.204 of 2006, dated 27.11.2009 convicting the accused no.2 for the alleged offences under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and imposed to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and since the accused no.1 is the company convicted and sentenced to pay a fine of Rs.2,000/- and the same was confirmed by the learned Additional Sessions Judge, Fast Track Court No.1, Tuticorin in C.A.No.118 of 2009, dated 18.07.2011.

**Prayer in Crl.R.C.(MD)No.940 of 2011:** Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the Judgment and Conviction passed by the learned Judicial Magistrate No.1, Kovilpatti in C.C.No.311 of 2006, dated 27.11.2009 convicting the accused no.2 for the alleged offences under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and imposed to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and since the accused no.1 is the company convicted and sentenced to pay a fine of Rs.2,000/- and the same was confirmed by the learned Additional Sessions Judge, Fast Track Court No.1, Tuticorin in C.A.No.120 of 2009, dated 18.07.2011.

For Petitioners : Mr.M.Jagadeesh Pandian  
(in all Crl.R.Cs.)  
For Respondents : Mr.M.Maharaja  
(in all Crl.R.Cs.)

**COMMON ORDER**

The revision petitioners challenge the conviction and sentence imposed on them by the Courts below for the offence under Section 138 of the Negotiable Instrument Act. Both the Courts below have concurrently found the revision petitioners guilty.

2.Having regard to the evidence on record, the learned counsel appearing for the revision petitioners states that he would not challenge the guilt and that he would be satisfied, if leniency is shown in the matter of punishment. He submitted that the total value of three cheques would come to Rs.3,50,000/- and that, on 13.09.2019, he would hand over the demand draft for the said sum of Rs.3,50,000/- favouring the complainant to the learned counsel for the complainant/respondent herein.

3.Recording the said submission and the undertaking given by the revision petitioners through their counsel, even while sustaining the conviction imposed on them by the Courts below, the sentence of imprisonment is set aside with a direction that the cheque amount of Rs.3,50,000/- covered in these three revision cases would be paid to the complainant on or before 13.09.2019. If the



revision petitioner fails to adhere to the undertaking now given before this Court, the sentence of imprisonment imposed on them by the Courts below will stand automatically restored. These revision petitions are partly allowed.

Sd/-  
Assistant Registrar

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/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Additional Sessions Judge,  
Fast Track Court No.1, Tuticorin.
- 2.The Judicial Magistrate No.1, Kovilpatti.

COPY TO:  
THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.  
(2 COPIES)

+1 CC to M/s.MAHARAJAN, Advocate ( SR-79523[F] dated 02/08/2019 )

Crl.R.C (MD)Nos.938 to 940 of 2011

rmi  
JM/05.09.2019/3P/6C