



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.662 of 2010

Radhakrishnan

... Petitioner/Accused

Vs.

John Joseph

... Respondent/Complainant

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to set aside the judgment in C.A.No.26 of 2007 dated 07.07.2010, by the Sessions Court, Nagercoil, by confirming the sentence passed in C.C.No.4427 of 2003, dated 06.07.2007 by the learned Judicial Magistrate No.II, Nagercoil, and acquit the petitioner.

For Petitioner : Mr.H.Thayumanasamy

For Respondent : Mr.M.P.Senthil

O R D E R

The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, by the learned Judicial Magistrate No.II, Nagercoil, in S.T.C.No.4427 of 2003 and he was sentenced to six months simple imprisonment. The said judgment was affirmed in C.A.No.26 of 2007, on the file of the learned District and Sessions Judge, Kanyakumari District at Nagercoil vide judgment dated 07.07.2010, which is under challenge in this criminal revision case.

2.When the matter was taken up for hearing, this Court suggested that if the revision petitioner makes some part payment, this Court would consider the same for the purpose of mitigating the sentence. Accordingly, today when the matter was taken up for hearing, the revision petitioner is present in person and he hands over a sum of Rs.50,000/- to the counsel appearing for the respondent. The respondent is willing to accept the same towards full and final settlement towards all his claims against the revision petitioner. Therefore, even while sustaining the conviction imposed on the revision petitioner, the sentence of imprisonment imposed on him is set aside in view of the payment of a



sum of Rs.50,000/- by him to the respondent. The criminal revision case is partly allowed.

Sd/-

Assistant Registrar (records)

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// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Sessions Judge,
Nagercoil.

2.The Judicial Magistrate No.II,
Nagercoil.

+1 CC to Mr.H.THAYUMANASWAMY, Advocate (SR-84224[F] dated 29/08/2019)

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-84488[F] dated 30/08/2019)

Cr1.R.C. (MD)No.662 of 2010
29.08.2019

MK (17.12.2019) 2P 5C