



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NOS. 142 & 143 OF 2018

AND

CRL. M.P. (MD) NOS. 1932, 1933, 2390 & 2391 OF 2018

G.Joe Sahaya Jeba

.. Petitioner /Appellant/Accused
in both petitions

- Vs -

Gospel Siromony
M.Ashok Kumar

.. R-1 in Crl. RC No.142/19
.. R-1 in Crl. RC No.143/19

State of Tamil Nadu
rep. by Public Prosecutor
Nagercoil.

.. R-2/Respondent/Complainant
in both revision petitions

Crl. R.C. (MD) No.142 of 2018 filed u/s 397 r/w 401 of the Code of Criminal Procedure against the order dated 15.12.2017, passed by the Sessions Judge, Kanyakumari District @ Nagercoil in C.A. No.75/2016 confirming the order passed by the learned Judicial Magistrate No.I, (Fast Track Court), Nagercoil in S.T.C. No.346/2015.

Crl. R.C. (MD) No.143/2018 filed u/s 397 r/w 401 of the Code of Criminal Procedure against the order dated 15.12.2017, passed by the Sessions Judge, Kanyakumari District @ Nagercoil in C.A. No.74/2016 confirming the order passed by the learned Judicial Magistrate No.I, (Fast Track Court), Nagercoil in S.T.C. No.343/2015.

For Petitioner : Mr. Harold Singh

For Respondents : Mr. Lajapathi Roy for R-1
in both petitions

Ms. M.Anantha Devi, GA (Crl. Side)
for R-2 in both the petitions



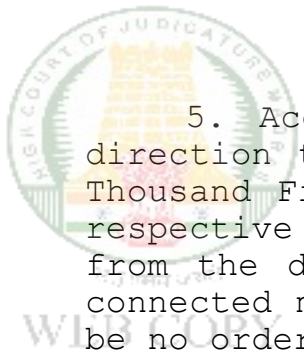
COMMON ORDER

Crl. R.C. (MD) No.142 of 2018 has been filed against the order dated 15.12.2017, passed by the Sessions Judge, Kanyakumari District @ Nagercoil in C.A. No.75/2016 confirming the sentence of simple imprisonment for two months and compensation of Rs.20,000/=, being the cheque amount, imposed on the petitioner by the learned Judicial Magistrate No.I, (Fast Track Court), Nagercoil in S.T.C. No.346/2015, while Crl. R.C. (MD) No.143/2018 has been filed against the order dated 15.12.2017, passed by the Sessions Judge, Kanyakumari District @ Nagercoil in C.A. No.74/2016 confirming the sentence of simple imprisonment for two months and compensation of Rs.25,250/-, being the cheque amount, imposed on the petitioner by the learned Judicial Magistrate No.I, (Fast Track Court), Nagercoil in S.T.C. No.343/2015.

2. When the matter is taken up today, learned counsel appearing for the parties submitted that the compensation of Rs.20,000/- and Rs.25,250/-, which is the disputed cheque amount has been paid by the petitioner/accused. However, learned counsel appearing for the complainants/the respective 1st respondent herein, submitted that as mandated under the Negotiable Instruments Act, since sentence of imprisonment has been imposed on the petitioner, being held as a defaulter, the petitioner has to either undergo the sentence of to pay compensation, which can be twice the cheque amount. However, as the petitioner has paid the cheque amount to the complainants, it is submitted that in lieu of sentence of imprisonment, any nominal compensation, that this Court thinks fit, may be awarded to the complainants, in exercise of its inherent powers, so as to fulfil the mandatory condition prescribed under the Act.

3. This Court heard the submission of the learned counsel for the petitioner on the above aspect and perused the materials available on record.

4. On a careful analysis of the materials available in the records and taking into consideration the fact that the matter has been settled between the parties amicably and to give a quietus to the issue and at the same time also fulfilling the mandatory condition imposed under the Act, this Court, in exercise of its powers, thinks fit and proper that a sum of Rs.2,500/= (Rupees Two Thousand Five Hundred only) be awarded as cost in lieu of sentence imposed in each of the revision, which would meet the ends of justice.



5. Accordingly, these revision petitions are allowed with a direction to the petitioner to pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) in each of the revision as cost to the respective 1st respondent/complainant, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Sessions Judge
Kanyakumari District @ Nagercoil
2. The Judicial Magistrate No.I
(Fast Track Court), Nagercoil.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

Copy to: The Section Officer, Criminal Section,
Madurai Bench of Madras High Court
Madurai.(2)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-89146.
+2 CC to M/s.S.C.HEROLD SINGH, Advocate SR-89497 & 89497.

CRL. R.C. (MD) NOS. 142 & 143 OF 2018
24.09.2019

CS(10.10.2019) 3P 9C