



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
Cr1.R.C. (MD)No.678 of 2016

WEB COPY

S.Chidambaram : Petitioner/Respondent/Complainant

Vs.

K.Jeyaraj : Respondent/Appellant/Accused

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the judgment of the Hon'ble V Additional District and Sessions Judge, Madurai in C.A.No.58 of 2015 dated 07.04.2016 insofar as reduction of simple imprisonment of one year into sentence of imprisonment till raising of the court by modifying the Judgment of the learned Judicial Magistrate No.II, (FTC) Madurai in S.T.C.No.362 of 2012 dated 29.10.2015 and allow the above Cr1.RC., by restoring the one year sentence of simple imprisonment imposed by the learned Judicial Magistrate No.II, (FTC) Madurai in S.T.C.No.362 of 2012 as the charges against him are disproved.

For Petitioner : Mr.N.S.Karthikeyan
For Respondent : Mr.K.Jeyaraj
Party-in-person

O R D E R

The above revision petition was filed by the complainant against the order passed in C.A.No.58 of 2015 dated 07.04.2016 insofar as the reduction of simple imprisonment of one year into sentence of imprisonment till the raising of the court, by modifying the Judgment of the learned Judicial Magistrate No.II, (FTC) Madurai in S.T.C.No.362 of 2012 dated 29.10.2015 and by allowing the revision by restoring the one year sentence of simple imprisonment imposed by the learned Judicial Magistrate No.II, (FTC) Madurai. in S.T.C.No.362 of 2012 as the charges against him are disproved.

2.When the revision petition is taken up for hearing, the respondent/accused appeared in person, who is a practicing Advocate and would submit that as far as the cheque amount is concerned, only Rs.75,000/- remains to be paid and due to financial crisis faced by him presently, he could not pay the entire amount one lumpsum, but he would pay the amount in three installments Rs.25,000/- each within three months commencing from September 2019. He would also request this Court to recall the order of dismissal for default of the Revision Petition filed by him in Cr1.RC(MD)No.362 of 2016



challenging the order of conviction on 12.09.2019. The respondent/accused has filed an affidavit of undertaking to that effect.

3.At this, the learned counsel appearing for the petitioner/complainant would submit that the petitioner has been dragging the matter indefinitely and the Court has quite liberal in granting time. But the petitioner taking advantage of the same, is unnecessarily delaying the settlement of full amount due to the revision petitioner, who is 70 years old. According to him, the amount was paid to the accused as early as 2007, but the amount sought to be settled is without interest and in which event, the respondent/accused ought to have settled the amount at the earliest point of time.

4.In any case, the learned counsel appearing for the petitioner/complainant would submit that in case of further default of the undertaking given by the respondent/accused, this Court may impose exemplary compensation payable to the petitioner as that would act as deterrent to the accused on making any further default in the payment. This Court is in agreement with the submission made on behalf of the petitioner/complainant.

5.In view of the undertaking affidavit of the accused for settling the remaining amount of Rs.75,000/-, the respondent is directed to make good Rs.75,000/- in three equated monthly installments to be payable on or before 25th of every month commencing from September 2019 without any default. In case of any default in payment and the entire payment is not settled by 25th November 2019, the respondent/accused shall pay additional amount of Rs.1,00,000/- as compensation to the petitioner/complainant and the amount shall carry 12% interest till it is actually settled and compensation amount shall carry 12% interest, till the same is settled and realized. It is also clarified that in case of default in making entire payment within the time stipulated above, the revision case shall stand restored to the file of this Court.

6.In the above said circumstances, the Crl.RC(MD)No.678 of 2016 is closed and the other order made in Crl.RC(MD)No.362 of 2016 is recalled and the same is allowed by setting aside the conviction of the respondent/accused in C.A.No.58 of 2015 dated 07.04.2016 of the V Additional District and Sessions Judge, Madurai.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



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

2. Judicial Magistrate No.II, (FTC) Madurai

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai (2 Copies)

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-88170[F] dated
20/09/2019)

ORDER MADE IN
Cr1.R.C. (MD) No.678 of 2016
Dated:-18.09.2019

MK (19.11.2019) 3P 6C