

**BAIL SLIP**

The Petitioner/Accused Mr.V.Nallathambi, S/O.Venkatesan, Male, was released on bail as per the Order of this Court made in M.P.(MD) No.1 of 2011 in CrI.RC.(MD)222 of 2011 dated 15/03/2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrI. R.C.(MD)No.222 of 2011

Nallathambi

.. Petitioner/Appellant/Accused

Vs.

Aramudhan

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Section 397 and 401 of Cr.P.C., to set aside the Judgment dated 20.01.2011 made in C.A.No.2 of 2010 on the file of the Additional District cum Sessions Judge(Special Court under Essential Commodities Act), Thanjavur District, confirming the Judgment of conviction passed by the learned Judicial Magistrate, Kumbakonam, dated 08.12.2009 in S.T.C.No.529 of 2006 and allow this Revision.

For Petitioner	: Mr.B.Jameel Arasu
For Respondent	: Mr.C.Selvakumar

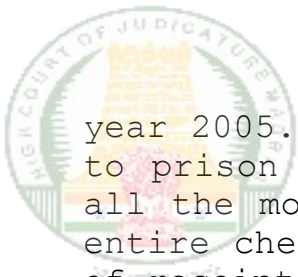
ORDER

The petitioner herein was convicted for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.529 of 2006 on the file of the learned Judicial Magistrate, Kumbakonam. The Judgment and Conviction was confirmed in C.A.No.2 of 2010 on the file of the learned Additional District and Sessions Judge cum Special Judge(Essential Commodities Act), Thanjavur. The same are under challenge in this Criminal Revision petition.

2. When the matter was taken up for hearing, the learned counsel appearing for the Revision petitioner states that he would not seriously contest the findings of guilt and he would only seek leniency in the matter of sentence.

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

3. It is seen that the cause of action dates back to the



year 2005. Therefore, sending the petitioner at this point of time to prison may not really be in the interest of justice. This is all the more so because, the petitioner is now willing to pay the entire cheque amount within a period of three months from the date of receipt of a copy of this order.

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4. In this view of the matter, the Conviction passed by the Courts below is sustained and the sentence of imprisonment imposed on the petitioner is set aside. The petitioner is directed to pay the cheque amount of Rs.82,475/- (Rupees Eighty Two Thousand Four Hundred and Seventy Five only) towards compensation to the credit of S.T.C.No.529 of 2006 on the file of the learned Judicial Magistrate, Kumbakonam, within a period of three months from the date of receipt of a copy of this order. The Legal Aid authorities shall ensure that the compensation amount deposited by the petitioner is disbursed to the complainant, thereafter. In the event of failure on the part of the petitioner to do so, the sentence of imprisonment imposed by the lower appellate Court shall stand restored.

5. The Judgments of the Court below is modified. The Criminal Revision stands partly allowed, accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate, Kumbakonam.
2. The Additional District and Sessions Judge,
(Special Court under Ec Act) Thanjavur.
3. The Chief Judicial Magistrate, Thanjavur @Kumbakonam

Copy to:

The Section Officer,
Criminal Section, (Records)
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. B.JAMEEL ARASU, ADVOCATE , Sr.No.68257
+1cc to M/S. C.SELVAKUMAR, ADVOCATE, Sr.No.68307

Cr1. R.C. (MD) No.222 of 2011
11.06.2019