

**BAIL SLIP**

The Petitioner/Accused Mr.K.Thanudhas, S/o.V.Krishnadhas, was released on bail as per the Order of this Court dated 05/04/2011 made in MP(MD)No.2 of 2011 in CrI.RC(MD)No.262 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

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

CrI.R.C(MD).No.262 of 2011

K.Thanudhas

... Petitioner/Accused

Vs.,

1.K.Bagavathi

2.The State of Tamil Nadu,
rep., by the Public Prosecutor,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Section 397 and 401 Code of Criminal Procedure, to call for the records and set aside the judgment and conviction and sentence imposed upon the petitioner to undergo six months simple imprisonment and pay a sum of Rs.5,000/- (Rupees Five Thousand only) as fine in default he has to undergo simple imprisonment for two months for an offence punishable under Section 138 of the Negotiable Instruments Act, dated 24.03.2006 passed in S.T.C.No.6017/2003 on the file of the Court of Judicial Magistrate No.II, Nagercoil and confirmation of the same by the judgment dated 02.09.2010 passed in C.A.No.101 of 2006 on the file of the Court of Sessions, Kanyakumari Division at Nagercoil, and acquit the petitioner.

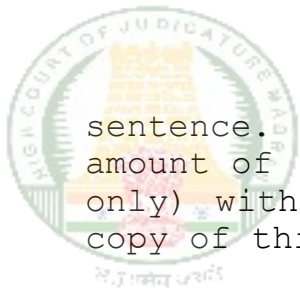
For Petitioner : Mr.J.John Jayakumar

For Respondents : Mr.R.Suriya Narayanan (For R1)

ORDER

The petitioner was found guilty of the offence under Section 138 of the Negotiable Instruments Act by the learned trial Magistrate. He was sentenced to simple imprisonment for six months and directed to pay a fine amount of Rs.5,000/- (Rupees Five Thousand only) and default sentence was also imposed. The Judgment of the learned trial Magistrate was confirmed by the Lower Appellate Court also. Questioning the same, this criminal revision petition has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he would not question the finding of guilt imposed by the Courts below and that he would be satisfied, if leniency is shown in the matter of



sentence. He submitted that the petitioner would pay the cheque amount of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) within a period of six months from the date of receipt of a copy of this order.

3. In view of the said undertaking given by the petitioner through his counsel, the sentence imposed by the Courts below is set aside. The petitioner's counsel however stated that he would not apply for refund of the fine amount already remitted by him. If in the event of the petitioner not remitting the cheque amount of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) as compensation to the credit of STC.No.6017 of 2003, on the file of the Judicial Magistrate No.II, Nagercoil for withdrawal by the complainant within the said period, the sentence imposed by the Courts below will stand automatically restored.

4. With this modification, the criminal revision petition is partly allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sessions Judge, Kanyakumari Division
at Nagercoil.

2. The Judicial Magistrate No.II, Nagercoil.

3. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil

4. The Public Prosecutor,
Nagercoil, Kanyakumari District.

Copy to:- The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai
+One cc to Mr.J.John Jayakumar, Advocate, SR.No.69380

Cr1.R.C (MD) .No.262 of 2011
17.06.2019