

**Bail Slip**

The petitioner herein namely Manoharan, S/o.Krishna Panicker, Accused in CC.No.196/2006 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District, was directed to be released on bail as per order of this Court dated 11.05.2011 made in MP(MD)No.1 of 2011 in CrI.RC(MD) 368 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.368 of 2011

Manoharan

... Petitioner/Accused

Vs

A.M.Gopalan
Managing Director,
Sree Gokulam Chit and Finance
Company (P) Limited, Chennai Re. By
Authorized agent M.Sunder Raj,
S/o.Muthu Nadar,
Accountant Assistant,
Sree Gokulam Chit and Finance
Company (P) Limited,
Opposite to New Bus Stand,
Marthandam,
Kanyakumari District

... Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to allow this criminal revision petition and to set aside the Judgment passed in C.A.No.51 of 2009 on the file of the Sessions Judge, Kanyakumari Division at Nagercoil, Kanyakumari District, dated 21.04.2011 confirming Judgment in C.C.No.196 of 2006 on the file of the Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District, dated 24.09.2009.

For Petitioner	: Mr.C.K.M. Appaji
For Respondent	: Mr.B.Brijesh Kishore

ORDER

The petitioner was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.196 of 2006 on the file of the Judicial Magistrate No.2, Kuzhithurai. The learned trial Magistrate found the petitioner guilty and sentenced him to undergo four months simple imprisonment. He was also levied with fine of Rs.2,000/-. Challenging the same, he filed Criminal Appeal No.51 of 2009 before the Sessions Judge, Kanyakumari District at Nagercoil. The Appellate Court confirmed the Judgment of the trial Court and dismissed the Appeal. Against the said



Judgment of the Appellate Court, this revision case has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner submitted that having regard to the evidence on record, he is not in a position to contest the finding of guilt. However, he pleaded for leniency in the matter of punishment because she is willing to pay the cheque amount as compensation to the complainant.

3. This Court, even while sustaining the conviction, sets aside the sentence imposed on the petitioner. However, the petitioner's counsel states that he will not apply for refund of the fine amount. The petitioner is directed to deposit the cheque amount of Rs.1,07,941/- as compensation to the credit of C.C.No.196 of 2006 on the file of the Judicial Magistrate No.2, Kuzhithurai. This shall be done by the petitioner within a period of four weeks from the date of receipt of a copy of this order. After the compensation amount is deposited, the learned trial Magistrate shall have the same disbursed to the complainant expeditiously. If the petitioner fails to deposit the compensation amount within the time stipulated above, the Judgment of the Appellate Court would stand restored. This criminal revision case is partly allowed on these terms.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sessions Judge, Kanyakumari Division at Nagercoil, Kanyakumari District.

2. The Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District.

3. The Section Officer, Criminal Section, Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.B.BRIJESH KRISHORE, Advocate SR-73557.

+1 CC to M/s.C.K.M.APPAJI, Advocate SR-73714.

Cr1.R.C(MD)No.368 of 2011
04.07.2019