



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

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

Cr1.R.C(MD) .No.523 of 2011

WEB COPY

Nagajothi

... Petitioner/Appellant/Accused

Vs

Satheeskumar

... Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, to set aside the Judgment of conviction imposed by the learned Sessions Judge, Kanyakumari Division at Nagercoil in C.A.No.153 of 2008 dated 28.03.2011 confirming the Judgment of conviction by the learned Principal District Munsif Cum Judicial Magistrate, Eraniel in STC.No.1040 of 2006 dated 05.11.2008 and allow the revision.

For Petitioner : Mr.L. George Paul Anto

For Respondent : Mr.K.P. Narayanakumar

ORDER

The petitioner herein had suffered conviction for the offence under Section 138 of Negotiable Instruments Act and was also sentenced by the Courts below.

2. When the matter was came up for hearing, the learned counsel appearing for the petitioner states that he would not question the finding of the guilt and he would be satisfied, if leniency is shown in the matter or sentence. I find the said request to be reasonable. Therefore, while sustaining the finding of the conviction, sentence and fine imposed on the petitioner are set aside.

3. It is admitted by both sides that a sum of Rs.25,000/-, has already been paid to the defacto complainant out of the cheque amount of Rs.1,00,000/-. The said submission is recorded.

4. The petitioner is directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) as compensation to the respondent / complainant. The petitioner shall deposit the said amount to the credit of S.T.C.No.1040 of 2006, on the file of the Principal District Munsif-cum-Judicial Magistrate Court, Eraniel, within a period of two months from the date of receipt of a copy



of this order. The same shall be withdrawn by the respondent / complainant. If the petitioner fails to do so, the sentence and fine imposed by the Courts below will stand automatically restored.

5. With the above modification, the Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sessions Judge, Kanyakumari Division at Nagercoil
2. The Principal District Munsif Cum Judicial Magistrate,
Eraniel, Kanyakumari District.

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-68184[F] dated 12/06/2019)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-68632[F] dated 13/06/2019)

trp

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KM/ (02.07.2019) 2P 5C