

**Bail Slip**

B.Lakshmanan, S/O. Bagavathi Perumal, male, aged 32/2011, Sole Accused was released on bail vide order of this Court dated 17/08/2011 in MP(MD) No.2/2011 in Cr1.RC.No.584/2011.

WEB COPY

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.594 of 2011**

B. Lakshmanan

... Petitioner

Vs

1.Krishnasamy

.. 1st respondent / complainant

2.State rep. by
Public Prosecutor,
Nagercoil.

.. 2nd Respondent

PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, against the Judgment in C.A.No.116 of 2007 dated 26.08.2010 by the learned Sessions Judge, Kanyakumari @ Nagercoil confirmed the conviction and sentence of one year RI, Rs.5,000/- fine in default 3 months R.I, for an offence u/s. 138 of Negotiable Instruments Act, imposed by the learned Chief Judicial Magistrate, Nagercoil in S.T.C.No. 74 of 2006 dated 03.07.2007.

For Petitioner : Mr.C. Christopher

For Respondents : No appearance

ORDER

The petitioner herein was found guilty of the offence u/s. 138 of Negotiable Instruments Act, by the learned Trial Magistrate and the same was confirmed in the appeal.

2. The petitioner was sentenced to undergo 1 year Rigorous Imprisonment and pay a fine of Rs.5,000/- i/d., to undergo 3 months Rigorous Imprisonment.

3. 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 therefore, the conviction rendered by the Courts below stands sustained. But, then, in the



matter of sentence, this Court has to show some leniency.

4. The learned counsel appearing for the petitioner states that the petitioner had already paid a sum of of Rs.1,75,000/-. The said submission made by the petitioner counsel is not controverted by the respondent. Therefore, the sentence imposed on the petitioner is set aside. It is made clear that this order is passed only in view of the submission made by the petitioner's counsel that the cheque amount has already been paid by the petitioner / accused to the complainant. The impugned Judgments of the Courts below are accordingly modified.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. Sessions Judge, Kanyakumari @ Nagercoil.
2. The Chief Judicial Magistrate, Nagercoil
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Public Prosecutor,Nagerciol

Copy To:

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

Cr1.R.C(MD) .No.594 of 2011
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BUC(11.07.2019) 2P 7C