



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.R.C(MD)No.648 of 2011

S.Mahadevan

... Petitioner

Vs

1.Ramaiah (Died during Trial)

2.R.Senthilkumar

3.Jeyalakshmi

4.Jothi Ramaiah

... Respondents

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to C.A.No.112 of 2011 on the file of the First Additional Sessions Court (PCR) Thanjavur, by its Judgment dated 14.07.2011 confirming the Judgment in C.C.No.118 of 2010 on the file of the Judicial Magistrate No.III, Thanjavur, dated 22.02.2010 acquit the petitioner, by allowing the revision.

For Petitioner

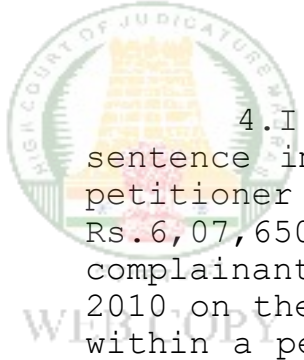
: Mr.A.ARun Prasad

ORDER

Thiru.Ramaiya field C.C.No.118 of 2010 against the revision petitioner S.Mahadevan for the offence under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate No.III, Thanjavur. He was examined as P.W.1. But before the trial concluded, he passed away and that is how, his legal heirs came on record. The learned trial Magistrate, by Judgment dated 18.10.2010, found the revision petitioner guilty of the said offence and sentenced him to one year rigorous imprisonment and a fine amount of Rs.5,000/- was imposed and default sentence of three months simple imprisonment was also imposed. The said Judgment was confirmed in CrI.A.No.112 of 2011, dated 14.07.2011 on the file of the First Additional Sessions Judge (PCR), Thanjavur. The same is under challenge in this criminal revision case.

2.This Court does not find any ground to interfere with the Judgments passed by the Courts below.

3.The learned counsel appearing for the petitioner did not seriously contest the findings regarding the petitioner's guilt. He however prayed for some indulgence in the matter of sentence.



4.I find the said request to be reasonable. Therefore, the sentence imposed by the Courts below alone stands set aside. The petitioner is instead directed to pay the cheque amount of Rs.6,07,650/- as compensation to the legal heirs of the original complainant by depositing the same to the credit of C.C.No.118 of 2010 on the file of the learned Judicial Magistrate No.3, Thanjavur, within a period of six months from the date of receipt of a copy of this order. In the event of the revision petitioner failing to do so, the sentence imposed by the Courts below will stand restored.

5.With this direction, the criminal revision petition is partly allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The First Additional Sessions Court (PCR) Thanjavur.

2.The Judicial Magistrate No.III, Thanjavur,

Copy to:
The Section Officer,
Cr1 Section,
Madurai Bench of Madras High Court,
Madurai.(2)

Cr1.R.C(MD)No.648 of 2011
14.06.2019

CS: (24/06/2019) 2P 5C