

**BAIL SLIP****Crl.R.C (MD) .No.718 of 2011:**

The Appellant/Accused namely Shanmugam, S/o.Velayutham was directed to be released on bail as per order of this Court dated 26.08.2010 made in M.P.No.1/2011 in Crl.R.C(MD).No.718 of 2011 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN****Crl.R.C (MD) .No.718 of 2011**

Shanmugam

... Petitioner

Vs.,

Shankar

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, to set aside the judgment dated 08.08.2007 made in C.C.No.1352 of 2005 on the file of the Judicial Magistrate No.II, Trichy and as confirmed in C.A.No.124 of 2007 on the file of the learned Additional District Judge, Fast Track Court No.I, Trichy dated 20.05.2011 and allow this revision.

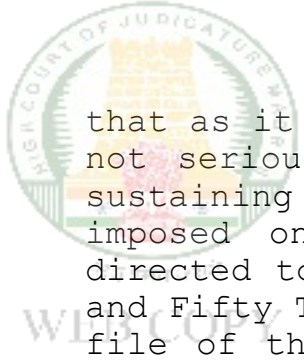
For Petitioner : Mr.V.Janakiramulu

For Respondent : Mr.T.A.Om Prakash

ORDER

The petitioner herein was found guilty of the offence under Section 138 of the Negotiable Instruments Act by the learned trial Magistrate dated 08.08.2007. The learned trial Magistrate imposed the sentence of three months simple imprisonment on the petitioner and the petitioner was also directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) by way of compensation. The said judgment of the trial Magistrate was confirmed by the Lower Appellate Court dated 20.05.2011 also. Challenging the same, this Criminal Revision Case has been filed.

2.When the matter was taken up for hearing, the learned counsel on either side submitted that the issue has been amicably resolved. The accused has agreed to pay the cheque amount of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) within three months. The said statement made by both parties is recorded. Be



that as it may, the learned counsel appearing for the petitioner did not seriously challenge the finding of guilt. Therefore, while sustaining the conviction imposed by the courts below, the sentence imposed on the petitioner is set aside and the petitioner is directed to pay the cheque amount of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of C.C.No.1352 of 2005 on the file of the Judicial Magistrate No.II, Trichy, within a period of three months from the date of receipt of a copy of this order. The respondent is at liberty to withdraw the same, after it is deposited. In the event of the petitioner failing to do so, the sentence imposed by the Courts below shall stand restored. The learned trial Magistrate shall take consequential steps to enforce this order.

3.With the above modification, the Criminal Original Petition is partly allowed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS-)

rmk

To

1.The Judicial Magistrate No.II,
Trichy.

2.The Additional District Judge,
Fast Track Court No.I,
Trichy.

3.The Principal District Judge, Trichy.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate
(SR-68517[F] dated 13/06/2019)

+1 CC to M/s.V.JANAKIRAMULU, Advocate
(SR-69204[F] dated 17/06/2019)

Cr1.R.C(MD).No.718 of 2011
13.06.2019