

**BAIL SLIP**

The Petitioner/Accused namely A.Karunanithi, S/o.Arumugam pillai, was directed to be released on bail as per order of this Court dated 9.9.2011 in MP(MD)No.1 of 2011 in CRL RC(MD)No.750 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 25.06.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1.R.C. (MD)No.750 of 2011**

A.Karunanithi

... Petitioner

Vs.

Muthuramalinga Chettiar

... Respondent

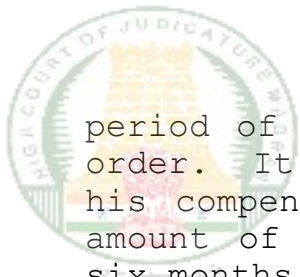
Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records of the learned Additional District and Sessions Judge/Special Judge under EC Act cases, Thanjavur, in Cr1.A.No.72 of 2010 by judgment dated 26.08.2011, confirming the conviction and sentence of imprisonment for 1 year Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple Imprisonment for an offence under Section 138 of Negotiable Instruments Act, imposed by the learned Judicial Magistrate No.III, Thanjavur in C.C.No.138 of 2010 by the judgment dated 04.08.2010 and set aside the judgments of the Courts below and acquit the petitioner.

For Petitioner : Mr.M.Karunaithi

O R D E R

The petitioner was found guilty of the offence under Section 138 of Negotiable Instruments Act by both the Courts below. He was sentenced to undergo one year rigorous imprisonment and levied with fine of Rs.5,000/-. Challenging the same, this criminal revision case has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner submitted that he would not question the conviction and that he would be satisfied if some leniency is to be shown in the matter of sentence. The petitioner is now aged about 65 years. Therefore, I am of the view that the petitioner's request can be accepted. In this view of the matter, the sentence imposed on the petitioner is set aside. The petitioner's counsel however submitted that he will not apply for refund of the fine amount. The petitioner through his counsel undertakes to deposit the cheque amount minus the amount already deposited. It is stated that at the time of filing of this criminal revision case, the petitioner had deposited a sum of Rs.1,00,000/-. It is open to the complainant to withdraw the same. The balance amount of Rs.6,50,000/- will be deposited by the petitioner within a



period of three months from the date of receipt of a copy of this order. It is open to the complainant to withdraw the said amount as his compensation. If the petitioner fails to deposit the balance amount of Rs.6,50,000/-, he shall undergo the default sentence of six months simple imprisonment.

WEB COPY

3. With this modification, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

ias

To:

1. The Additional District and Sessions Judge,
Special Judge (EC Act cases),
Thanjavur.
2. The Judicial Magistrate No.III,
Thanjavur.
3. The Chief Judicial Magistrate,
Thanjavur.
4. The Superintendent of Police,
Thanjavur.

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

+1 CC to M/s.T.SEKAR, Advocate (SR-71660[F] dated 27/06/2019)

Cr1.R.C. (MD) No.750 of 2011
25.06.2019