



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.R.C(MD).No.766 of 2011

WEB COPY

Balaganeshan

... Petitioner

Vs

Thangaraja

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, to set aside the Judgment in C.A.No.1 of 2009 on the file of the Additional District Judge (FTC.No.I), Tirunelveli, dated 05.08.2011 and to restore the Judgment and sentence in C.C.No.186 of 2006 on the file of the Judicial Magistrate, Valliyoor, dated 30.12.2008.

For Petitioner : Ms. S.J. Chakravarthi

For Respondent : Mr.J. Ashok
for M/s. Jeypaul Associates

ORDER

The revision petitioner is the complainant in C.C.No. 186 of 2016 on the file of the learned Judicial Magistrate, Valliyoor. It was a private complaint against the respondent herein for the offence under Section 138 of Negotiable Instruments Act.

2. The learned trial Magistrate found the respondent guilty and sentenced him to undergo 1 year Simple Imprisonment and also levied fine of Rs.5,000/- in default to undergo three months Simple Imprisonment. Questioning the same, the respondent filed C.A.No.1 of 2009, before the learned Additional District Judge (FTC - I), Thirunelveli. Before the Appellate Court, the respondent came forward to deposit a sum of Rs.90,000/- as compensation, though the cheque amount itself was Rs.60,000/-. Hence, the Appellate Court, noting the conduct of the respondent, set aside the sentence of imprisonment and fine imposed on the accused. Challenging the same and seeking enhancement of compensation, this revision has been filed.

3. When the cheque amount together with a further sum of Rs.30,000/- has been deposited, I do not know what more the complainant wants. In any event, the discretion exercised by the Appellate Court does not warrant interference. I do not find any



infirmity in the said order of the appellate Court. The revision petitioner is permitted to withdraw the compensation amount, which has been already deposited before the Courts below.

4. This Criminal Revision Case stands dismissed.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional District Judge (FTC.No.I), Tirunelveli,

2. The Judicial Magistrate, Valliyoor,

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-68357[F] dated 13/06/2019)

+1 CC to M/s.JEYAPPAUL ASSOCIATES, Advocate (SR-68930[F] dated 14/06/2019)

trp

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