



Bail Slip

M.Rajendran, S/o.Muthusamy, age 53 years, is released on bail vide Court order dated 05.06.2013 and made in MP(MD).Nos.1 and 1 of 2013 in Crl.RC(MD).No.454 and 455/2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD).Nos.452 to 455 of 2013

M. Rajendran ... Petitioner/Respondent/Accused
in all Crl.R.C.

Vs

D. Chandramohan ... Respondent/Petitioner/Complainant
in all Crl.R.C.,

Common Prayer in Crl.R.C.Nos. 452 and 453 of 2013: Petitions filed under Section 397 r/w 401 Code of Criminal Procedure, against the Judgment passed in Criminal Revision Nos.30 and 31 of 2011 on the file of the I Additional District Judge (PCR), Trichy, dated 17.01.2013, by modifying the Judgment passed in C.C.Nos.85 and 86 of 2010 on the file of the Chief Judicial Magistrate, Trichy, dated 29.03.2011 for the alleged offence under Section 138 of Negotiable Instruments Act and convicted for the Rigorous Imprisonment for 9 months and to pay a fine amount of Rs.3,000/- in default to undergo two months Simple Imprisonment and to pay the compensation of Rs.31,000/- and Rs.4,00,000/- respectively to the complainant within two months from the date of Judgment and in default to undergo two months Simple Imprisonment.

Common Prayer in Crl.R.C(MD).Nos. 454 and 455 of 2013 : Petitions filed under Section 397 r/w 401 Code of Criminal Procedure, to set aside the Judgment dated 17.01.2013 made in C.A.Nos.44 and 46 of 2011 on the file of the I Additional District Judge (PCR), Trichy in C.C.Nos.85 and 86 of 2010 on the file of the Chief Judicial Magistrate, Trichy, dated 29.03.2011 and quash the same.

In All Cases:

For Petitioner : Mr.C. Vakeeswaran

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent : No appearance

**ORDER**

The revision petitioner viz., M. Rajendran is facing trial in C.C.Nos. 85 and 86 of 2010, on the file of the Chief Judicial Magistrate, Trichy, for the offence under Section 138 of Negotiable Instruments Act.

2. The cheque amount was Rs. 31,000/- and Rs.4,00,000/- respectively. The petitioner was found guilty by the trial Magistrate and sentenced to undergo 9 months Rigorous Imprisonment and also levied with a fine of Rs.3,000/- in default of payment of fine 2 months Simple Imprisonment was also imposed in both the C.C.Nos. 85 and 86 of 2010. Questioning the same, the petitioner / accused had filed C.A.Nos.44 and 46 of 2011 on the file of the I Additional District Judge (PCR), Trichy and the same were dismissed. Challenging the same, the petitioner / accused has filed Crl.R.C.Nos.454 and 455 of 2013. Seeking enhancement of compensation and sentence in both the cases, the respondent / complainant has filed Crl.Revision Nos.30 and 31 of 2011, before the first Appellate Court and the same were allowed, against which, the petitioner / accused has filed Crl.R.C.Nos.452 and 453 of 2013.

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 he would be satisfied, if leniency is shown in the matter of sentence. I find the said request to be reasonable. Therefore, while sustaining the finding of the conviction, sentence and fine imposed on the petitioner in both the cases are set aside.

4. The petitioner is directed to deposit a sum of Rs.31,000/- (Rupees Thirty One Thousand only) and Rs. 4,00,000/- (Rupees Four Lakhs Only) to the credit of C.C.Nos.85 and 86 of 2010 respectively on the file of the Chief Judicial Magistrate, Trichy, as compensation, within a period of two months and fourth months respectively, from the date of receipt of a copy of this order. The same can be withdrawn by the respondent / complainant. If the petitioner fails to do so, the sentence and fine imposed by the Courts below in both the C.C.Nos.85 and 86 of 2010 will stand automatically restored.

6. With the above modification, these Criminal Revision Cases are disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The I Additional District Judge (PCR), Trichy,

2.The Chief Judicial Magistrate, Trichy.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer (2 Copies)
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai.

+4 CC to M/s.C.VAKEESWARAN, Advocate, SR-68417 to 68420

Cr1.R.C(MD).Nos.452 to 455 of 2013
12.06.2019

JMN(30.08.2019) 3P : 10C