

**BAIL SLIP**

K.Sornam, W/o.Kurusamy, Femaly, aged about 34 years was released on bail vide the order of this Court dated 25.09.2013 in M.P(MD)No.1/2013 in Crl.R.C.(MD)No.684/2013.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN****Crl.R.C(MD) .No.684 of 2013**

K. Sornam ... Petitioner/Appellant/Accused

Vs

Ondimuthu ... Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, to call for the records from the lower Court and set aside the impugned Judgment dated 02.09.2013 passed by the III Additional District and Sessions Judge, Thirunelveli, in Crl.A.No.10 of 2013 confirming the conviction and sentence passed by the learned Judicial Magistrate No.IV, Thirunelveli in STC No.260 of 2011, dated 05.01.2013 convicted the revision petitioner u/s. 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of 1 years and also imposed a fine of Rs.3,000/- in default to pay the same to undergo 1 month Simple Imprisonment by allowing the revision.

For Petitioner : Mr.A.R.Jeya Rhuthran

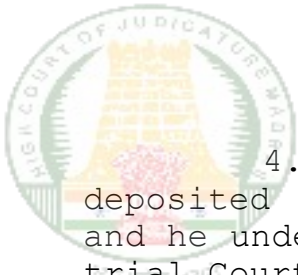
For Respondent : Mr.R.Ramasamy

ORDER

The revision petitioner herein was found guilty of the offence under Section 138 of Negotiable Instruments Act, by the learned Judicial Magistrate, which was confirmed in appeal also.

2. The petitioner was sentenced to undergo 1 year Simple Imprisonment and levied with fine of Rs.3,000/- i/d to undergo further period of one month Simple Imprisonment.

3. The learned counsel appearing for the revision petitioner submitted that he would not question the finding of the guilt and that he would be satisfied, if leniency is shown in the matter or sentence I find the said request to be reasonable.



4. It is also submitted that the petitioner had already deposited a sum of Rs.25,000/- before the learned trial Magistrate and he undertakes to deposit a further sum of Rs.30,000/- before the trial Court towards compensation payable to the complainant.

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5. Recording the said submission, the sentence imposed by the Court below is set aside. The petitioner is directed to deposit a further sum of Rs.30,000/- to the credit of S.T.C.No. 260 of 2011, on the file of the learned Judicial Magistrate No.IV, Thirunelveli, towards compensation payable to the complainant. It is open to the complainant to withdraw the entire amount of Rs.55,000/- deposited by the petitioner herein. This deposit shall be made within a period of three months from the date of receipt of a copy of this order. If the petitioner fails to do so, the sentence and fine imposed by the learned trial Magistrate will stand automatically restored.

6. With the above modification, the Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

trp

To

1. The III Additional District and Sessions Judge,
Thirunelveli,
2. The Judicial Magistrate No.IV,
Thirunelveli.

Cr1.R.C(MD) .No.684 of 2013
12.06.2019

ES/03.07.2019/2P/3C