

**BAIL SLIP**

The Appellant/Accused viz., R.Karmegam was released on bail as per the order of this Court dated 06.12.2013 made in MP(MD) No.1/2013 in CrI.R.C.(MD)No.778/2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrI.R.C.(MD)No.778 of 2013

R.Karmegam

.. Petitioner/Appellant/
Accused

Vs.

S.Pushpam

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to set aside the Judgment and sentence passed in CrI.A.No.105 of 2012 dated 01.10.2013 on the file of the I Additional District Judge(PCR), Trichy, modifying the Judgment and sentence passed in S.T.C.No.299 of 2007 dated 15.10.2012 on the file of the learned Judicial Magistrate No.III, Trichy.

For Petitioner : Mr.V.Ilanchezian

For Respondent : Mr.Aruna Guru Prasad
*****ORDER**

The petitioner herein suffered conviction for the offence under Section 138 of the Negotiable Instruments Act in S.T.C. No.299 of 2007 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli. By Judgment dated 15.10.2012, he was sentenced to undergo 2 years Rigorous Imprisonment and he was levied with a fine of Rs.5,000/-. The petitioner filed an appeal before the lower appellate Court. The lower appellate Court modified the sentence imposed on the petitioner by reducing the period of imprisonment from 2 years Simple Imprisonment to 1 year Simple Imprisonment. Challenging the same, this Criminal Revision has been filed.

2. When the matter was taken up for hearing, the petitioner's counsel submitted that he would not question the finding of conviction. He would only seek leniency in the matter of punishment.



3. I find the said request is reasonable. This Court even while sustaining the Judgment of conviction passed by the Courts below, sets aside the sentence of imprisonment imposed on the petitioner passed by the Courts below. It is seen that the cheque amount is for Rs.1 Lakh. The petitioner is directed to deposit the cheque amount of Rs.1,00,000/- to the credit of S.T.C.No.299 of 2007 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli, towards compensation within a period of four months from the date of receipt of a copy of this order. If the petitioner fails to deposit the said compensation amount within a period stipulated above, the Judgment passed by the lower appellate Court would stand restored.

4. With this modification, the Criminal Revision petition stands partly allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

pmu

To

1. The I Additional District Judge (PCR), Trichy.
2. The Judicial Magistrate No.III, Trichy.

Copy To:

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

+1 CC to M/s.ARUNA GURU PRASAD, Advocate
(SR-68765[F] dated 14/06/2019)

+1 CC to M/s.V.ILLANCHEZIAN, Advocate
(SR-68938[F] dated 14/06/2019)

Crl. R.C. (MD) No.778 of 2013
12.06.2019