

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.1137 of 2011

Power Soaps Ltd.,
Having business at R.S.No.94/1,
Sembiapalayam Village,
Korkadu Post,
Puducherry - 605 110,
Represented by its
Authorized Signatory,
Mr.Sunjay Madaan. .. Petitioner/Complainant

Vs.

C.L.Muthiah .. Respondent/Accused

Criminal Revision filed under Section 397 and 401 Cr.P.C.,
To call for the records and set aside the sentence of 6 months
simple imprisonment imposed on the respondent/accused by the
LEARNED JUDICIAL MAGISTRATE NO.I IN Pondicherry in
CC.No.516/2008 dated:06/07/2011, enhance the sentence award
adequate compensation to the petitioner under section 357 CR.PC.

For Petitioner : Mr.Hari G.Ramasubramaniam
for M/s.Ram and Ram

For Respondent : Mr.V.M.G.Ramakkannan

O R D E R

This criminal revision has been filed seeking to set aside
the judgment and order dated 06.07.2011 passed in C.C.No.516 of
2008 on the file of the Judicial Magistrate Court No.I,
Puducherry, enhance the sentence and award adequate
compensation.

2. For the sake of convenience, the petitioner and the
respondent will be referred to as complainant and accused,
respectively.

3. The complainant initiated a prosecution in C.C.No.516 of
2008 before the Judicial Magistrate Court No.I, Puducherry, for
the offence under Section 138 of the Negotiable Instruments Act,

1881 (for brevity "the NI Act"), against the accused, in which, by judgment and order dated 06.07.2011, the accused was convicted of the said offence and sentenced to undergo six months simple imprisonment.

4. Challenging the quantum of sentence and the failure of the trial Court to award compensation, the complainant has filed the present criminal revision.

5. In the mean time, challenging the conviction and sentence, the accused filed C.A.No.42 of 2011 before the III Additional District and Sessions Court, Puducherry. Consequently, the complainant also filed C.R.P. No.4 of 2013 before the III Additional District and Sessions Court, Puducherry, for enhancement of sentence.

6. The III Additional District and Sessions Court, Puducherry, heard C.A.No.42 of 2011 filed by the accused and C.R.P. No.4 of 2013 filed by the complainant and by a common judgment and order dated 30.09.2013, allowed the appeal filed by the accused and acquitted him and consequently, dismissed the revision petition filed by the complainant.

7. Challenging the order of acquittal, the complainant filed CrI.A.No.800 of 2013 before this Court.

8. This Court, by judgment and order dated 28.11.2017 in C.A.No.800 of 2013, dismissed the appeal filed by the complainant, aggrieved by which, the complainant approached the Supreme Court in S.L.P.No.992 of 2018, which has been dismissed on 09.02.2018.

In such perspective of the matter, the present criminal revision filed by the complainant for enhancement of sentence becomes infructuous and the same stands dismissed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate No.I,
Puducherry.

2. The III Additional District
and Sessions Judge,
Puducherry.

3. The Deputy Registrar,
(Cr1.Side)
Madras High Court,
Chennai - 104.

} with a direction to return the
original records to the Courts
below concerned

Copy to: The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.1137 of 2011

VBA (CO)
CSR: 17.03.2020