



Bail slip

B.Suguna, (F/63), W/o.Balakrishnan Naidu, (Sole Accused) was released on bail vide court order dated 08.06.2016 in MP(MD).No.1/15 in CRL RC(MD).325/15 and the Bail order dated 08.06.2016 in MP(MD) No.1/15 has been recalled by order dated 23.09.2019.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.325 of 2015

B.Suguna ... Petitioner/Accused

Vs

K.Suresh Chand ... Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the Judgment passed by the learned Principal Sessions Judge, Trichy dated 31.10.2014 in C.A.No.34 of 2014 by confirming the Judgment dated 13.03.2014 in C.C.No.433 of 2006 on the file of the learned Judicial Magistrate No.V, Trichy and acquit the petitioner.

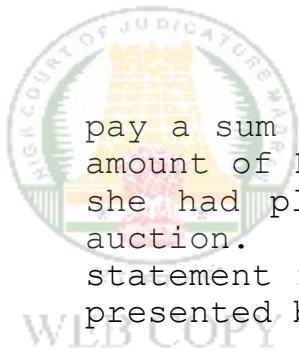
For Petitioner	: Mr.T.Senthil Kumar
For Respondent	: MrR.Sundar

ORDER

Heard the learned counsel on either side.

2.The revision petitioner is a lady. She is aged about 63 years. She was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.433 of 2006 on the file of the Judicial Magistrate No.V, Tiruchirappalli. Vide Judgment dated 13.03.2014, the petitioner was found guilty and sentenced to undergo one year simple imprisonment. She was ordered to pay a sum of Rs.2,000/- as fine. She was also directed to pay the cheque amount of Rs.3,00,000/- as compensation. Aggrieved by the same, the petitioner filed C.A.No.34 of 2014 before the Principal Sessions Judge, Trichirappalli. Vide Judgment dated 31.10.2014, the Appellate Court dismissed the appeal and confirmed the Judgment of the trial Court. Challenging the same, this revision case came to be filed.

3.As rightly pointed out by the learned counsel for the revision petitioner, the petitioner could not have been sentenced to



pay a sum of Rs.2,000/- as fine and also directed to pay the cheque amount of Rs.3,00,000/- as compensation. The petitioner states that she had pledged her jewels and that the jewels had been sold in auction. Since the balance amount remained to be paid as per the statement maintained by the respondent, the cheque in question was presented by the complainant.

4.Having regard to the fact and circumstances of the case, the petitioner's counsel submitted that he is not challenging the finding of conviction and he would be satisfied, if there is a modification in the matter of sentence. He would further claim that the parties had arrived at settlement and that the petitioner had agreed to pay a sum of Rs.75,000/- towards full and final settlement of all the claims of the complainant. Though the petitioner had taken a demand draft, in view of onset of COVID 19 Pandemic, the said demand draft was cancelled. Now, the petitioner's son has to clear the liability.

5.Taking note of all these attendant circumstances, even while confirming the conviction imposed on the petitioner, I modify the sentence as follows:-

(I)The petitioner is directed to deposit a sum of Rs.75,000/- to the credit of C.C.No.433 of 2006 on the file of the Judicial Magistrate No.V., Tiruchirappalli within a period of four months from the date of receipt of a copy of this order.

(II)If the petitioner adheres to this time line, the sentence imposed on the petitioner will not be enforced.

(III)If the petitioner fails to do so, the petitioner has to undergo three month simple imprisonment as default sentence.

6.With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Sessions Judge, Trichy.

2.The Judicial Magistrate No.V, Trichy.

CrI.R.C (MD) No.325 of 2015

sss (CO)

TR(29.12.2020) 3P 3C