



Bail Slip

The Petitioner/Appellant/Accused namely Thiru.T.M.Ramalingam, S/o.Marimuthu was released on bail by this Hon'ble Court made in MP(MD)Nos.1/15 and 1/15 in CrI.R.C(MD)Nos.392 and 393/15 dated 02.09.2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C.(MD)Nos.392 and 393 of 2015

and

M.P.(MD)Nos.3 and 3 of 2015

T.M.Ramalingam ... Petitioner/Appellant/Accused
in both CrI.R.C.

Vs.

K.Vellaithai
Rep. by her Power of Attorney
Krishnamoorthy ...Respondent/Respondent/Complainant
in CrI.R.C.(MD)No.392 of 2015

K.Krishnasamy
Rep. by her Power of Attorney
Krishnamoorthy ... Respondent/Respondent/Complainant
in CrI.R.C.(MD)No.393 of 2015

Common Prayer: Criminal Revision Cases filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to the judgment dated 22.04.2015 passed in Criminal Appeal Nos.35 and 36 of 2009 respectively, on the file of I Additional District Court, Thanjavur, confirming the judgment in S.T.C.No.103 and 94 of 2006 respectively, dated 15.07.2009 on the file of I Additional District Munsif Cum Judicial Magistrate Court, Kumbakonam, set aside same and allow these revisions.

(in both CrI.R.C.)

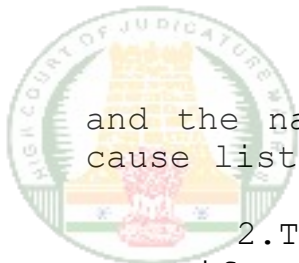
For Petitioner : Mr.S.Ravi
For Mr.V.Muthukumaran

For Respondents : No appearance.

C O M M O N O R D E R

Heard the learned counsel appearing for the revision petitioner. The respondents' counsel had withdrawn his appearance

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and the names of the respondents/complainants are printed in the cause list. There is no appearance on their behalf.

2.The respondents are K.Vellaithai and K.Krishnasamy, who are wife and husband respectively. The couple filed S.T.C.No.103 of 2006 and S.T.C.No.94 of 2006 before the Judicial Magistrate, Kumbakonam, against the petitioner for the offence under Section 138 of Negotiable Instrument Act. The cheque amount in S.T.C.No.103 of 2006 is Rs.1,70,000/- while the cheque amount in S.T.C.No.94 of 2006 is Rs.1,00,000/-. Both the cases ended in conviction and sentence. Challenging the same, T.M.Ramalingam filed C.A.Nos.35 and 36 of 2009 before the I Additional District and Sessions Court, Thanjavur. The appeals were dismissed and the convictions and sentences were also confirmed. Challenging the same, these criminal revision cases came to be filed.

3.On the last occasion itself, this Court directed the petitioner to be ready with the demand drafts for the cheque amounts favouring the respective complainants. Today, the learned counsel for the revision petitioner states that he is ready with two demand drafts as directed by this Court.

4.Since the learned counsel for the respondents has withdrawn his appearance, he had declined to receive the demand drafts. The learned counsel for the revision petitioner states that the petitioner is a pensioner. I make it clear that the outcome of these two criminal revision cases will not have any bearing on his rights as pensioner and it will not operate to his prejudice in any manner. The petitioner is aged about 67 years. He was a training instructor in an aided educational institution. The petitioner gives an undertaking that within a period of four weeks from the date of receipt of a copy of this order, he will deposit a sum of Rs.1,50,000/- to the credit of S.T.C.No.103 of 2006 and a sum of Rs.80,000/- to the credit of S.T.C.No.94 of 2006 on the file of the learned Judicial Magistrate, Kumbakonam. The petitioner's counsel states that the petitioner had already deposited a sum of Rs.20,000/- each when he obtained suspension of sentence at the time of filing criminal appeals. On such deposit, the respective complainants can withdraw the amounts in question without notice to the petitioner herein. Since the petitioner has come forward to deposit the cheque amounts in full, I am of the view that the sentence imposed on the petitioner can be set aside in both the cases. If the petitioner fails to adhere to the undertaking now given before this Court, the judgment passed by the Courts below will stand restored. If the petitioner adheres to the undertaking now given, the sentences imposed on the petitioner will not be enforced.



5. These criminal revision cases are partly allowed accordingly. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 I Additional District Judge,
Thanjavur.
2. The I Additional District Munsif
Cum Judicial Magistrate,
Kumbakonam.
3. The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
4. The Principal Sessions Judge,
Thanjavur at Kumbakonam.

Crl.R.C. (MD) No.392 and 393 of 2015
02.12.2020

MR (CO)
KM (09.12.2020) 3P 5C