



Bail Slip

J.Victor, (Male-64 years), Sole Accused, S/o.Jesuvadiyan, was directed to be released on bail vide Court Order dated: 03.03.2016 in Crl.MP(MD)No.1 of 2015 in Crl.RC(MD)No.476 of 2015.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.476 of 2015

J.Victor : Petitioner/Appellant/Accused

Vs

A.Harikrishnan(Died)

H.Seetha Lakshmi : Respondent/Respondent/Complainant

(Impleaded as per Order dated 22.09.2020
in Crl.MP(MD)No.4170/2020 by BPJ)

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the Judgment passed by the learned Judicial Magistrate, Thiruchenthur, by convicting the appellant in C.C.No.79 of 2013, dated 03.12.2014 and confirming the Judgment by the learned II Additional Sessions Judge, Thoothukudi District in C.A.No.81 of 2014 by an order dated 06.04.2015 and set aside the same.

For Petitioner : Mr.R.Anand
For Respondent : Mr.V.Angusamy

ORDER

The petitioner herein was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.79 of 2013 on the file of the Judicial Magistrate, Thiruchenthur. It ended in conviction and sentence. Questioning the same, the petitioner filed C.A.No.81 of 2014 before the learned II Additional Sessions Judge, Thoothukudi District. The Judgment of the trial Court was confirmed and the appeal was dismissed. Challenging the same, this criminal revision case came to be filed.



2.The case of the complainant is that on 18.12.2011, the revision petitioner borrowed a sum of Rs.5,00,000/- from the complainant. Towards discharge of the said liability, Ex.P1-complaint cheque for a sum of Rs.5,00,000/- was issued. The said cheque was dishonoured on presentation. The complainant, therefore, issued Ex.P5-statutory notice. The accused received the notice and issued a reply also. However, he did not comply with the demand set out in the notice. Therefore, the private complaint was laid. The complainant examined himself as P.W.1 and marked Ex.P1 to Ex.P7. The accused examined himself as D.W.1. But no documents was marked on his side. The learned trial Judge, after a detailed consideration of the evidence on record, found the accused guilty. The same was also confirmed in appeal.

3.The contentions urged by the learned counsel appearing for the revision petitioner do not persuade me to come to the conclusion that the findings of the Court below are vitiated by perversity or material irregularity. I, therefore, confirm the finding of guilt. The conviction imposed on the revision petitioner is confirmed.

4. However, taking note of the age and health condition of the petitioner, the sentence imposed on him is modified. The petitioner is directed to deposit the cheque amount of Rs.5,00,000 to the credit of C.C.No.79 of 2013 on the file of the Judicial Magistrate, Thiruchenthur, within a period of four months from the date of receipt of a copy of this order. It is noted that the complainant Harikrishnan passed away and in his place, his wife H.Seethalakshmi has been brought on record. On such deposit, she can very well withdraw the deposited amount without notice. If the revision petitioner fails to deposit the amount within the time stipulated above, the sentence imposed by the Court below will be enforced. If he deposits as directed above, it would not be enforced. I make it clear that the outcome of this revision petition will not have any bearing on the rights of the revision petitioner who is said to be a pensioner. In other words, the fact that I have confirmed the conviction will not operate as disqualification.

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

Sd/-

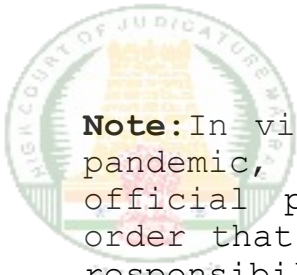
Assistant Registrar (P&A)

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/ /2021

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.

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To

1.The II Additional Sessions Judge,
Thoothukudi District.

2.The Judicial Magistrate,
Thiruchenthur.
Thoothukudi District.

+1cc to Mr.V.Angusamy, Advocate, SR.No.24831.

Cr1.R.C (MD) No.476 of 2015

SSS(CO)
CS(04.01.2021) 3P 4C