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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.10.2020
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.R.C.(MD)No.144 of 2016 and
CRL.M.P.(MD)Nos.2169 & 2170 of 2016

K.Panchavarnam .. Petitioner/Appellant/
Accused

Vs.

R.Manimaran .. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to S.T.C.No.1045 of 2013 dated 08.11.2013 on the file of the learned Judicial Magistrate No.I, (FTC) Madurai, confirming the order passed in C.A.No.49 of 2013 on 22.12.2015 by the learned VI Additional District and Sessions Judge, Madurai, to set aside the same and allow this revision petition.

For Petitioner : Mr.D.Saravanan
For Respondent : Mr.S.Sitharthan

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ORDER

Heard the learned counsel on either side.

2. The revision petitioner was prosecuted for the offence under Section 138 of the Negotiable Instruments Act, 1881. She was found guilty by both the Courts below. Questioning the same, this revision case has been filed.

3. Having regard to evidence on record, the learned counsel appearing for the petitioner states that he would not challenge the finding of guilt and that he would only pray for further modification in the matter of sentence.

4. The Court below had sentenced the petitioner to undergo one year Simple Imprisonment and pay compensation of Rs.20,000/-. The petitioner has not paid the compensation amount as directed by the Court below.

5. It is seen that the petitioner is a widow. She is aged about 62 years. I am therefore of the view that interest of justice will be served by directing the petitioner to pay a total sum of Rs.60,000/-(Rupees Sixty Thousand only) as compensation. In other words, the compensation amount of Rs.20,000/- stipulated by the Court below is enhanced to Rs.60,000/-. The sentence of one year

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Simple Imprisonment imposed on the petitioner is set aside. The revision petitioner is given eight weeks to deposit the said amount to the credit of S.T.C.No.1045 of 2013 on the file of the Judicial Magistrate No.I, Fast Track Court at JM Level, Madurai. Upon such deposit, the respondent can very well withdraw the same without notice to the revision petitioner. If the petitioner fails to deposit the sum of Rs.60,000/- within eight weeks, the petitioner has to undergo default sentence of six (6) months Simple Imprisonment.

6. The Judgments of the Courts below are accordingly modified and the criminal revision case is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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 VI Additional District and Sessions Judge,
   Madurai.

2. The Judicial Magistrate No.I, (FTC)
   Madurai.

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

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