

Bail Slip

S.Easterraj, (aged 62 years), S/o. Samathanam Petitioner/Petitioner / Accused was released on bail by this Court vide order dated 07.11.2016 made in Crl.MP(MD)No.352 of 2016 in Crl.R.C(MD)No.16 of 2016.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.R.C(MD)No.16 of 2016

S.Easterraj

...Petitioner/Appellant/Accused

Vs

V.Balan

...Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records of the impugned judgment dated 30.06.2015 passed by the Additional District and Sessions Judge, Special Court for EC Act cases, Thanjavur in Criminal Appeal No.71 of 2013, confirming the conviction and sentence passed by the Judicial Magistrate No.1, Thanjavur in C.C.No.335 of 2011, dated 30.09.2013 and set aside the same by allowing the revision petition.

For petitioner : Mr.C.Arul Vadivel @ Sekar

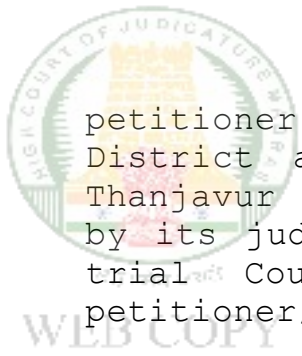
For Respondent : Mr.R.Suresh Kumar

ORDER

This criminal revision case has been filed as against the judgment dated 30.06.2015 passed in C.A.No.71 of 2013 on the file of the learned District and Sessions Judge, Special Court for EC Act Cases.

2.This case is arising out Section 138 of the Negotiable Instruments Act. The respondent / complainant filed a complaint against this petitioner under Section 138 of the NI Act before the learned Judicial Magistrate No.I, Thanjavur and the same was taken on file in S.T.C.No.289 of 2009 and in conclusion, the trial Court found this revision petitioner / accused guilty, convicted and sentenced him to undergo one year simple imprisonment and also directed to pay Rs.1,20,000/- the cheque amount as compensation to the complainant.

3.As against the conviction and sentence, the revision



petitioner / accused filed an appeal before the learned Additional District and Sessions Judge, Special Court for EC Act cases, Thanjavur in Criminal in C.A.No.71 of 2013 and the appellate Court by its judgment dated 30.06.2015, by confirming the order of the trial Court, dismissed the appeal filed by the revision petitioner/accused.

4. Aggrieved over the concurrent findings of the trial Court and the appellate Court, this revision petition has been filed by the revision petitioner/accused.

5. Heard Mr.C.Arul Vadivel Alias Sekar, learned Counsel for the revision petitioner and Mr.R.Suresh Kumar, learned Counsel for the respondent.

6. The learned Counsel for the revision petitioner submitted that the revision petitioner / accused had settled the cheque amount of Rs.1,20,000/- and the receipt for the same has also been produced before this Court. The learned Counsel for the complainant has also submitted that the complainant is not interested in prosecuting the accused any further and the learned Counsel on either side requested to compound the offence.

7. The learned Counsel on either side further submitted that in view of the present COVID - 19 Pandemic situation, they are not in a position to get signatures of the parties for filing necessary application before this Court under Section 147 of the Negotiable Instruments Act and requested to accept their submission and to compound the offence under Section 138 of NI Act. The learned Counsel also prayed that since the cheque amount has been settled, the conviction may be modified to that of a fine of the cheque amount.

8. It is in fact, the provision under Section 138 of NI Act has been introduced with an object to maintain the trust in the business transaction. It is to be noted that at least after 15 years, the accused has come forward to pay the cheque amount to the complainant. However, though the learned Counsel on either side submitted that the accused has paid the cheque amount to the complainant and the complainant is also not willing to proceed further with the case against the accused, no application has been filed under Section 147 of NI Act, before this Court, in view of present COVID - 19 Pandemic situation. In order to give quietus to the issue, the complainant has come forward to compound the offence between him and the complainant.

9. Under such circumstances, by recording the submission made on either side that the revision petitioner / accused has paid the cheque amount to the complainant, the criminal revision



case is disposed of, by modifying the sentence to that of a fine amount of the cheque amount.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

dsk

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 Additional District and Sessions Judge,
Special Court for EC Act cases,
Thanjavur.
2. The Judicial Magistrate No.1,
Thanjavur.

+1 CC to Mr.R.SURESHKUMAR, Advocate (SR-13490[F] dated 03/08/2020)

CrI.R.C(MD)No.16 of 2016

31.07.2020

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