



**Bail Slip**

**Loga Sridhara Pandian, S/o.Balusamy, Male, aged 60/2016, Sole Accused was released on bail vide Order of this Court, dated 21.06.2016 made in Crl.MP(MD)No.4926/2016 in Crl.R.C(MD)No.415 of 2016**

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Crl.R.C(MD)No.415 of 2016

Loga Sridhara Pandian

... Petitioner

Vs

Chandra

... Respondent

**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 Additional District and Sessions Judge No.V, Madurai in Crl.A.No.10 of 2014, dated 29.04.2016 by confirming the Judgment passed by the learned Judicial Magistrate, Melur in S.T.C.No.864 of 2008, dated 06.06.2013 and set aside the same and consequently, pass on order to acquit the petitioner in accordance with law.

For Petitioner : Mr.S.Prabhu  
Legal Aid Counsel

**ORDER**

Heard the learned Legal Aid Counsel appointed for the revision petitioner and the learned counsel for the respondent.

2.The respondent prosecuted the petitioner for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.864 of 2008 on the file of the Judicial Magistrate, Melur.

3.The case of the complainant is that the accused is working in the Tamilnadu State Transport Corporation along with the complainant's son and daughter-in-law. On 30.03.2008, the accused borrowed a sum of Rs.1,50,000/- from the complainant. The accused issued Ex.P1 cheque dated 08.04.2008 drawn on State Bank of India, Karaikudi Branch. When the cheque was presented for collection, it was dishonoured for the reason of 'insufficiency of funds' in the account maintained by the accused. On 06.05.2008, the complainant issued Ex.P3 notice. The notice was returned with an endorsement as unclaimed. The returned cover was marked as  
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the demand set out in the notice was not met, the



respondent herein filed the said private complaint. The respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P4. on the side of the accused, no evidence was adduced. It is seen that the accused had virtually admitted the case of the complainant. The learned trial Magistrate rightly drew the presumption under Section 139 of the Negotiable Instruments Act against the accused and convicted and sentenced him to undergo one year simple imprisonment and pay a fine of Rs.5,000/-. Default sentence was also imposed. Questioning the same, the accused filed C.A.No.10 of 2014 before the V Additional District and Sessions Judge, Madurai. The Appellate Court, while confirming the conviction, directed the accused to pay the cheque amount as compensation. If the accused failed to do so, he was to undergo three months rigorous imprisonment. The substantive imprisonment imposed on the accused was substantially reduced to undergo imprisonment till the raising of Court. This Judgment dated 29.04.2016 is under challenge in this revision case.

4.On a careful appreciation of the entire evidence on record, I am of the view that the Judgment passed by the Appellate Court is most indulgent and does not warrant any interference. The signature found on Ex.P1 cheque is not in dispute. The complainant by examining herself had shown passing of consideration and liability on the part of the accused. Therefore, the Courts below rightly raised presumption under Section 139 of the Negotiable Instruments Act. The same has not at all been rebutted. The accused did not adduce any evidence to rebut the presumption nor did he elucidate by cross examining all the prosecution witnesses. Therefore, the finding of conviction is confirmed and the Judgment passed by the Appellate Court is confirmed. This criminal revision case is dismissed. The Court below shall take steps to enforce this order.

Sd/-

Assistant Registrar (AE)

// 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.

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To

1.The Additional District and Sessions Judge No.V,  
Madurai.

2.The Judicial Magistrate, Melur.

3.Do Through:  
The Chief Judicial Magistrate,  
Madurai.

Crl.R.C (MD) No.415 of 2016  
11.12.2020

KM (29.12.2020) 3P 4C