



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.R.C. (MD)No.431 of 2016

WEB COPY

S.Palaniappan : Petitioner/Appellant/Respondent

Vs.

A.K.Thirupathy : Respondent/Respondent/Petitioner

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, against the order of set aside passed by the Additional District and Sessions Judge, Pudukkottai in Criminal Appeal No.21 of 2013 dated 29.03.2016 thereby convicting the revision petitioner to three months simple imprisonment and imposed fine of Rs.3,000/- in default of payment of fine to undergo simple imprisonment for one month against the order of District Munsif Court, Pudukkottai in S.T.C.No.208 of 2008 dated 23.04.2013 and to set aside the same and allow the revision petition.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.G.Sridharan

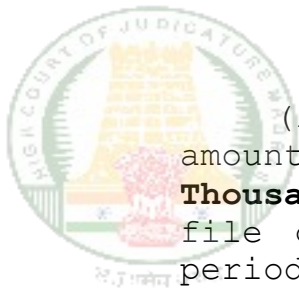
O R D E R

Heard the learned counsel on either side.

2.The petitioner was prosecuted in S.T.C.No.208 of 2008 on the file of the District Munsif Court, Pudukkottai filed by the respondent herein. The case ended in conviction and sentence vide judgment dated 23.04.2013. Questioning the same, the revision petitioner filed C.A.No.21 of 2013 before the Additional District and Sessions Court, Pudukkottai. Vide judgment dated 29.03.2016, even while confirming the conviction, the sentence was reduced. Challenging the same, this criminal revision case came to be filed.

3.The learned counsel appearing for the accused does not seriously challenge the finding of conviction and he only wants this Court to modify the sentence because the petitioner is ready to the cheque amount and the respondent has also accepted the said offer.

4.In view of the same, even while confirming the conviction imposed on the petitioner, the sentence imposed on him is modified as follows:-



(i) The accused is directed to deposit the cheque amount of **Rs.2,40,000/- (Rupees Two Lakhs and forty Thousand Only)** to the credit of S.T.C.No.208 of 2008 on the file of the District Munsif Court, Pudukkottai within a period of three months from the date of receipt of a copy of this order.

(ii) It is open to the complainant to withdraw the said amount without notice to the accused.

(iii) If the accused fails to deposit the cheque amount within the period stipulated above, the sentence imposed by the Sessions Court will be restored automatically.

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

Sd/-

Assistant Registrar (CS-II)

**(*) Amended as per order dated 18.12.2020
made in CRL RC(MD).431 of 2016**

Sd/-

Assistant Registrar (Records)

// 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:

(*) to be substituted the order already despatched on 16.12.2020

1. The Additional District and Sessions Judge, Pudukkottai.
2. The District Munsif, Pudukkottai.

+1 CC to Mr.G.SRIDHARAN, Advocate (SR-23958[F] dated 04/12/2020)

Crl.R.C. (MD)No.431 of 2016

03.12.2020

NS (CO)

CS (15.12.2020) 2P 4C

TR (18.12.2020) 2P 4C