



BAIL SLIP

The Revision Petitioners 2 & 3/Accused Nos.2 & 3 viz., (A2) P.R.Sekar, S/o.Ramasamy, (A3) Ramasamy, S/o.Perumal Gounder were released on bail vide order dated 29.06.2016 in CRL MP(MD). No.5186 of 2016 in CRL RC(MD).No.449 of 2016 on the file of this Court.

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.449 of 2016

1. M/s.Dee Yes Dye-Chem,
Rep. by P.R.Sekar,
No.41, Sengunthapuram 3rd Cross,
Karur.

2. P.R.Sekar

3. Ramasamy

.. Petitioners/Appellants/
Accused Nos.1 to 3

Vs.

Gunasekaran

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Sessions Judge/Mahalir Neethimandram(Fast Track Mahila Court), Karur, in Crl.A.No.7 of 2012 by Judgment dated 26.02.2016, modifying the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, in S.T.C.No.149 of 2011 by the Judgment dated 30.12.2011 and set aside the Judgments of the Courts below and acquit the petitioners.

For Petitioners : Mr.D.Rameshkumar

For Respondent : No appearance.

ORDER

Heard the learned counsel appearing for the petitioners.

2. The respondent herein is the complainant in S.T.C. No.149 of 2011 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur. It is a private complaint filed



for the offence under Section 138 r/w.142 of the Negotiable Instruments Act.

3. The petitioners are the accused. The first petitioner is the partnership firm, while petitioners 2 and 3 are the partners. The learned trial Judge found the petitioners guilty of the offences and sentenced them to undergo three months Simple Imprisonment and also levied fine of Rs.3,000/-. The same was put to challenge in Crl.A.No.7 of 2012 before the Sessions Judge/Mahalir Neethimandram, Fast Track Court, Karur. The first appellate Court partly allowed the appeal and modified the Judgment of the trial Court. Challenging the same, this criminal revision case came to be filed.

4. The learned counsel appearing for the petitioners submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he would only pray for further modification in the matter of sentence.

5. The cheque amount is for a sum of Rs.40,000/-. The petitioner undertakes to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as compensation to the credit of S.T.C.No.149 of 2011 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, within a period of four weeks from the date of receipt of a copy of this order. It is open to the complainant to withdraw the same without notice to the petitioners herein. Since the petitioners have undertaken to deposit the said amount by way of compensation, the sentence of imprisonment imposed on the petitioners stands set aside. If the petitioners fail to adhere to this undertaking, the sentence of imprisonment imposed by the lower appellate Court would stand automatically restored.

6. The Judgments of the Courts below are accordingly modified and the criminal revision case stands partly allowed.

Sd/-

Assistant Registrar(CS-I)

// 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 Sessions Judge/Mahalir Neethimandram
(Fast Track Mahila Court), Karur.
2. The Judicial Magistrate,
Fast Track Court at Magisterial Level, Karur.
3. Do Through
The Chief Judicial Magistrate, Karur.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C.(MD)No.449 of 2016
08.10.2020

SMV(CO)
TR(02.11.2020) 3P 7C