



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.450 of 2016

Rajendran

.. Petitioner/Appellant/
Accused

Vs.

N.Thangavel

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Section 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.76 of 2015 by Judgment dated 11.03.2016, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, in C.C.No.558 of 2014 by the Judgment dated 15.10.2015 and set aside the Judgment of the Court below and acquit the petitioner.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.M.P.Senthil

ORDER

Heard the learned counsel on either side.

2. The petitioner was found guilty of the offence under Section 138 of the Negotiable Instruments Act 1881 in C.C. No.558 of 2014 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur. The respondent is the complainant. The petitioner was sentenced to one month Simple Imprisonment and also levied a fine of Rs.1,000/-.

3. Aggrieved by the Judgment passed by the learned trial Magistrate, the petitioner filed Crl.A.No.76 of 2015 before the Sessions Judge/Mahalir Neethimandram(Fast Track Mahila Court), Karur. The first appellate Court by Judgment dated 11.03.2016 confirmed the Judgment of the Court below. Questioning the same, this criminal revision case came to be filed.



4. Having regard to the 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.

5. The cheque amount is for Rs.52,500/-. The petitioner undertakes to deposit a sum of Rs.65,000/-(Rupees Sixty Five Thousand only) as compensation to the credit of C.C.No.558 of 2014 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 petitioner herein. The sentence of imprisonment imposed on the petitioner is set aside. If the petitioner fails to adhere to this undertaking, the sentence of imprisonment imposed by the trial 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-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 Sessions Judge/Mahalir Neethimandram
(Fast Track Mahila Court), Karur.

2. The learned Judicial Magistrate,
Fast Track Court at Magisterial Level, Karur.



Copy to:

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

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-19558[F] dated 09/10/2020)

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NR (16/10/2020) 3P : 6C