



Bail Slip

The petitioner V.Ravichandran, S/o Velamuthu, aged 45 years/2016, was released on bail vide court order dated 11.8.2016 in Crl MP(MD) 6798/2016.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

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

Crl.R.C. (MD)No.537 of 2016

V.Ravichandran

... Petitioner

Vs.

T.Karuppannan

... Respondent

**Prayer:** Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C, to set aside the order passed in C.A.No.41 of 2016 dated 27.07.2016 on the file of the Mahalir Fast Track Court, Karur, by modifying the sentence passed by the Judicial Magistrate/Fast Track Court at Magisterial Level, Karur in C.C.No.572 of 2013, dated 08.06.2016 and acquit the petitioner.

For Petitioner : Mr.R.Mathiyalagan  
For Respondent : Mr.N.Subramani

**O R D E R**

Heard the learned counsel on either side.

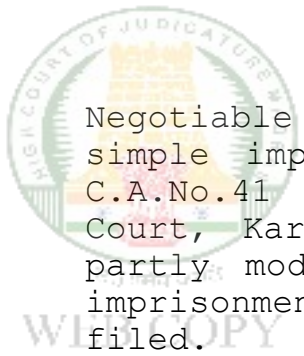
2.The respondent, Thiru.T.Karuppannan, filed C.C.No.572 of 2013 on the file of the Judicial Magistrate/Fast Track Court, Karur against the petitioner herein for the offence under Section 138 of Negotiable Instruments Act.

3.The case of the complainant is that the accused was known to him and that on 02.05.2013; he borrowed a sum of Rs.79,000/- as hand loan from the complainant and towards discharge of the said liability Ex.P.1/cheque came to be issued. The said cheque was presented for collection on 21.06.2013. The cheque was returned unpaid for the reason of 'insufficient funds' in the account of the accused. The complainant issued Ex.P.3/legal notice, the same was served on the accused, but then the accused did not chose to respond of comply with the demand to set out in the notice. Therefore, the private complaint came to be filed.

4.The complainant examined himself as P.W.1 and Ex.P.1 to Ex.P.4 were marked. On the side of the accused no evidence was adduced.

5.The learned trial Court vide judgment dated 08.06.2016, found the accused guilty for the offence under Section 138 of the

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Negotiable Instruments Act and sentenced him to undergo three months simple imprisonment. The same was questioned by the accused in C.A.No.41 of 2016 on the file of the learned Mahalir Fast Track Court, Karur, vide judgment dated 27.07.2016. The sentence was partly modified and the accused was sentenced one month simple imprisonment. Aggrieved over the same, this revision came to be filed.

6.The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of the grounds.

7.I am not persuaded to hold that the findings of the Courts below are vitiated by any material irregularity or perversity.

8.At this stage, the learned counsel for the petitioner submitted that the petitioner is ready to deposit the cheque amount within a period of two months from the date of receipt of a copy of this order. The said submission is recorded.

9.Taking note of the submission made by the learned counsel for the petitioner, even while confirming the conviction imposed on him, the sentence is modified as follows:

(i) The revision petitioner is directed to deposit the cheque amount of Rs.79,000/- (Rupees Seventy Nine Thousand Only) to the credit of C.C.No.572 of 2013 on the file of learned Judicial Magistrate/Fast Track Court, Karur, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) On such deposit, it is open to the complainant to withdraw the said amount without notice to the petitioner.

(iii) If the revision petitioner fails to deposit the cheque amount within the period stipulated above, the sentence imposed by the Appellate Court will be restored automatically. If the petitioner makes the said deposit, the sentence imposed on the petitioner will not be enforced against him.

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

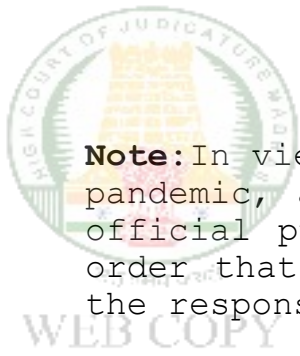
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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

Copy To:-The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court,  
Madurai. (2C)

Crl.R.C. (MD) No.537 of 2016  
01.12.2020

SJ(CO)  
AP(22/12/2020) 3P 5C