

**BAIL**

The Sole/ Petitioner/ Appellant/ Accused namely, SR.Ravichandran, male, S/o.P.S.Raman Nadar was directed to be released on bail as per the order of this court, Dated 22.08.2016 made in CRL.MP.(MD).7248 of 2016 in CRL.RC.(MD)573 of 2016 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. R.C.(MD)No.573 of 2016

SR.Ravichandran

.. Petitioner/Appellant/
Accused

Vs

S.Antony Joseph

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Sections 397 (1) r/w. 401 of Cr.P.C., to call for the records and set aside the Judgment and sentence dated 17.11.2014 in C.C.No.337 of 2013 on the file of the Fast Track Court(Magisterial Level), Thoothukudi, as modified by the Judgment and order dated 25.04.2016 in C.A.No.83 of 2014 on the file of the II Additional District and Sessions Court, Thoothukudi District.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.B.Brijesh Kishore

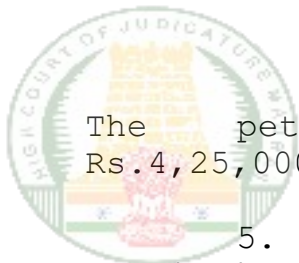
ORDER

Heard the learned counsel on either side.

2. The respondent S.Antony Joseph filed C.C.No.337 of 2013 before the Judicial Magistrate, Fast Track Court(Magisterial Level), Thoothukudi, against the revision petitioner herein, for the offence under Section 138 of the Negotiable Instruments Act.

3. The case ended in conviction and sentence. The petitioner filed C.A.No.83 of 2014 before the II Additional District and Sessions Judge, Thoothukudi. The appellate Court vide Judgment dated 25.04.2016 confirmed the conviction and modified the sentence. Challenging the same, this criminal revision case came to be filed.

4. When the matter was taken up for hearing, the learned counsel appearing for the petitioner stated that the petitioner is endeavoured to amicably resolve the issue with the respondent. Therefore, this Court had adjourned the matter on more than occasion. Today when the matter was taken up for hearing, it is submitted by the learned counsel on either side, the respondent had agreed to receive a sum of Rs.5,25,000/- towards full and final settlement and in that regard, a document had also been executed. The petitioner has paid a sum of Rs.1,00,000/- to the respondent.



The petitioner has to pay a further sum of Rs.4,25,000/-. The petitioner seeks four weeks time.

5. In this view of the matter, even while confirming the conviction imposed on the petitioner, the sentence of imprisonment imposed on the petitioner is modified as follows:-

i) The petitioner shall pay the balance amount of Rs.4,25,000/- by way of Demand Draft taken in favour of the respondent within a period of four weeks from the date of receipt of a copy of this order.

ii) If the revision petitioner fails to pay the balance amount within the time stipulated above, the petitioner will have to undergo the default sentence of four months Simple Imprisonment. If the revision petitioner pays the balance amount within the time stipulated above, the sentence modified by the appellate Court will not be implemented.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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 Fast Track Judge (Magisterial Level),
Thoothukudi.
2. The II Additional District and Sessions Judge,
Thoothukudi District.
3. The Section Officer, (2Copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No.25982 dated 17/12/2020
Crl. R.C. (MD) No.573 of 2016
16.12.2020