



BAIL SLIP

The Petitioner/Appellant namely R.Jeyapaul S/o. Ramaraj was released on bail by this Hon'ble Court made in CRL MP(MD)No.7386 of 2016 in CRL RC(MD) 579 of 2016 dated 24.08.2016.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.579 of 2016

R.Jeyapaul

... Petitioner/Appellant

Vs

S.Alwarsamy

... Respondent/Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order in Criminal Appeal No.13 of 2013, dated 24.07.2013 on the file of the II Additional Sessions Judge, Thoothukudi and set aside the concurrent Judgment and acquit the revision petitioner.

For Petitioner	: Mr.P.Gokulnaath
	Legal Aid Counsel
For Respondent	: Mr.P.Subburaj

ORDER

Heard the learned legal aid counsel appearing for the revision petitioner and the learned counsel appearing for the respondent/ complainant.

2.The respondent prosecuted the petitioner herein for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.224 of 2012. The case ended in conviction and sentence. The same was questioned by the accused by filing C.A.No.13 of 2013 before the Second Additional Sessions Judge, Thoothukudi. By Judgment dated 24.07.2013, the criminal appeal was dismissed and the Judgment of the trial Court was confirmed.

3.The case of the complainant is that the accused approached him on 18.05.2009 and took loan of Rs.3,00,000/- for his business purpose. Towards discharge of the liability, he issued Ex.P1 cheque dated 18.06.2009. When the same was presented for collection, it was dishonoured. Though the complainant issued Ex.P3 notice and the same was received by the accused, he neither complied with the demand set out in the notice, nor gave any convincing reply. The accused did not even examine himself as witness. No evidence was adduced on his side. The complainant himself examined as P.W.1 and



marked Ex.P1 to Ex.P4. The Court below have concurrently found the accused guilty of the offence.

4.I am only exercising revisional jurisdiction. It has not been shown that the findings of the Court below suffer from any material irregularity. I find no ground to interfere with the finding of guilt.

5.However, taking note of the submissions made by the learned legal aid counsel, the sentence imposed on the revision petitioner is modified as under:-

(I)The petitioner is directed to deposit the cheque amount of Rs.3,00,000/- to the credit of C.C.No.224 of 2012 on the file of the Fast Track Court (Magisterial Level), Kovilpatti, 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 cheque amount without notice to the petitioner.

(III)If the petitioner fails to deposit the said cheque amount, the sentence imposed on the petitioner by the Courts below will stand automatically restored.

6.With this modification in the matter of sentence, this Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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 Court (Magisterial Level), Kovilpatti.

2.The Second Additional Sessions Judge, Thoothukudi.

3.The Judicial Magistrate No.1, Kovilpatti.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to Mr.P.SUBBARAJ, Advocate (SR-25347[F] dated 14/12/2020)

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11.12.2020

VB (28.12.2020) 3P 7C