



Bail Slip

The Appellant/Accused namely Ravi, Male/45 years, S/o.Ramaraj was directed to be released on bail as per order dated 27.02.2017 in Crl.MP(MD)No.12468/2016 in Crl.RC(MD)No.857/2016 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.857 of 2016

Ravi

.. Petitioner/Appellant/
Sole Accused

Vs.

1. Rajendran

.. Respondent/Respondent/
Complainant

2. The Branch Manager,
Indian Overseas Bank,
Kambam Branch, Thenkasi.
(R-2 is *suo motu* impleaded
vide order dated 15.12.2020)

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 r/w. 401 of Cr.P.C., to allow the above revision petition and consequently set aside the order of conviction and sentence imposed on him by the Fast Track Court, Judicial Magistrate Level, Uthamapalayam, Theni District made in C.C. No.34 of 2013 dated 21.03.2014 as confirmed subsequently by the Principal District and Sessions Judge, Theni, made in C.A.No.20 of 2014 dated 05.10.2016.

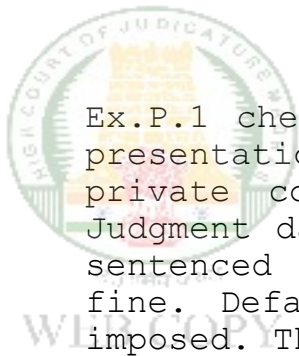
For Petitioner	: Mr.B.Jeyakumar
For R-1	: Mr.S.Ramasamy
For R-2	: Mr.Pala Ramasamy

ORDER

This criminal revision case arises out of the prosecution under Section 138 of the Negotiable Instruments Act.

2. The complainant Rajendran filed C.C.No.34 of 2013 before the Judicial Magistrate/Fast Track Court, Uthamapalayam, against the revision petitioner herein. The case of the complainant is that

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



Ex.P.1 cheque issued by the revision petitioner was dishonoured on presentation and that after following the usual formalities, the private complaint was filed. The learned trial Magistrate vide Judgment dated 21.03.2014, found the revision petitioner guilty and sentenced him to six months Simple Imprisonment and also levied fine. Default sentence of one month Simple Imprisonment was also imposed. The said Judgment was confirmed by the appellate Court also in C.A.No.20 of 2014 on the file of the Principal District Judge, Theni. The same is under challenge in this criminal revision case.

3. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner submitted that the cheque in question does not belong to the petitioner at all. He would strongly state that the cheque drawn in respect of some other account had been fraudulently filled up and that the false case has been filed against him. Though I must observe at the very outset that the petitioner could have adduced evidence before the Court below, be that as it may, to secure the ends of justice, I *suo motu* impleaded the Branch Manager, Indian Overseas Bank, Kambam Branch, Theni District and asked them to make a statement in this regard.

4. Today, when the matter was taken up for hearing, Shri.Pala Ramasamy, learned Standing counsel appearing for the Bank made a statement that the cheque in question, namely, the cheque bearing No.370276 was drawn on account bearing No.017601000013761 which belongs to T.Raja, S/o.Tharma Thevar. There is nothing on record to show that this cheque was drawn in the account maintained by the revision petitioner Ravi. Be that as it may, as rightly pointed out by the learned counsel appearing for the complainant, this specific finding has to be rendered by the Court below on the strength of the documents marked before the Court.

5. In this view of the matter, the Judgment impugned in this criminal revision case is set aside and the matter is remitted to the file of the learned trial Magistrate. The learned trial Magistrate will find out if Ex.P.1 cheque was drawn on the account maintained by the revision petitioner or by the third party. If the account belonged to a third party, then obviously the case has to end in acquittal. The remand is limited to this point alone. This criminal revision case is allowed accordingly.

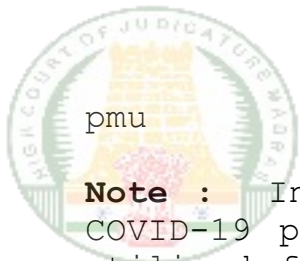
Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)



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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 Judicial Magistrate,
Fast Track Court, Uthamapalayam, Theni District.
2. The Principal District and Sessions Judge,
Theni.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies).

+1cc to Mr.B.Jeyakumar, Advocate Sr.No.27323

Crl. R.C.(MD)No.857 of 2016

23.12.2020

(CO)

NR (08/02/2021) 3P : 6C