



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.255 of 2017

and

Crl.M.P. (MD)Nos.2249 and 2250 of 2017

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Chellavel

... Petitioner

Vs.

1.Deivanayaga Perumal

2.The State of Tamilnadu,  
Rep. by Public Prosecutor,  
Nagercoil,  
Kanyakumari District.

... Respondents

**Prayer:** Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to the judgment dated 26.10.2016 passed in C.A.No.108 of 2007 on the file of the Mahila Fast Track Court, Nagercoil modifying the judgment dated 04.06.2007 passed in S.T.C.No.4180 of 2004 on the file of the Judicial magistrate No.2, Nagercoil and set aside the same.

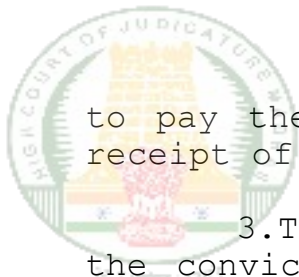
For Petitioner : Mr.S.Muthumalairaja

For Respondents: Mr.R.Jeyaraj for R1  
Mr.A.Robinson,  
Government Advocate (Crl. Side) for R2.

### O R D E R

The revision petitioner was accused in S.T.C.No.4180 of 2004 on the file of the learned Judicial Magistrate No.II, Nagercoil for having committed the offence under Section 138 of the Negotiable Instrument Act in the private complaint filed by the first respondent herein. The case ended in conviction and sentence. The revision petitioner filed C.A.No.108 of 2007 on the file of the Mahila Fast Track Court, Nagercoil questioning the same. The conviction was confirmed but the sentence was reduced. Not satisfied with the same, the criminal revision case came to be filed.

2.The learned counsel for the revision petitioner fairly states that he is not in a position to seriously challenge the finding of guilt but he pleaded for modification in the matter of sentence. He pointed out that the petitioner is now aged 76 years and the cheque amount is Rs.1,00,000/- and the petitioner is ready



to pay the same within a period of four months from the date of receipt of a copy of this order.

3. Taking note of the these submissions, even while confirming the conviction imposed on the petitioner, the sentence imposed on him is modified as follows:-

(i) The accused is directed to deposit the cheque amount of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of S.T.C.No.4180 of 2004 on the file of learned Judicial Magistrate No.II, Nagercoil within a period of four months from the date of receipt of a copy of this order.

(ii) It is open to the complainant to withdraw the said amount without notice to the accused.

(iii) If the accused fails to deposit the cheque amount within the period stipulated above, the sentence imposed as modified by the Sessions Court will be restored automatically.

4. With this modification in the matter of sentence, this criminal revision case is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

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 Judge, Mahila Fast Track Court, Nagercoil.

2. The Judicial Magistrate No.II, Nagercoil.

Copy to

The Section Officer, Criminal Records,

Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.S.MUTHUMALAI RAJA, Advocate ( SR-23968[F] dated 04/12/2020 )

**Cr1.R.C. (MD)No.255 of 2017**

**03.12.2020**

PK(CO)

TR(10.12.2020) 2P 6C

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