

BAIL SLIP

A.Rajendran(m/60), S/o.Ayyasamy, (Solo Accused) was Released on bail vide Court dated 27/04/2017 made in CRL.MP.(MD).3695 of 2017 in CRL RC(MD).No.382 of 2017.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**Crl. R.C. (MD)No.382 of 2017

A.Rajendran,  
S/o.Ayyasamy,  
Secretary,  
Kannanoor Primary Agricultural  
Co-operative Society Bank,  
Periyakannanoor Post,  
Sivagangai Taluk & District.

.. Revision Petitioner/  
Appellant/Sole Accused

Vs.

S.Muthusamy

.. Respondent/Respondent/  
Complainant

**Prayer :** This Criminal Revision filed under Sections 397 & 401 of Cr.P.C., to admit the revision petition on file and to call for records in C.A.No.46 of 2013, dated 08.03.2017 on the file of the Sessions Judge, Sivagangai, confirming the Judgment in C.C.No.25 of 2009 dated 30.10.2013 on the file of the Judicial Magistrate No.I, Sivagangai and duly set aside the Judgment of the Courts below by acquitting the revision petitioner.

For Petitioner : Mr.J.Jeyakumaran  
For Respondent : Mr.L.George Paul Anto

ORDER

Heard the learned counsel on either side.

2. The petitioner was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.25 of 2009 on the file of the learned Judicial Magistrate No.I, Sivagangai.

3. The case ended in conviction and sentence. It was also confirmed in C.A.No.46 of 2013 on the file of the Sessions Judge, Sivagangai. Challenging the same, this criminal revision came to be filed.

4. At the time of obtaining suspension of sentence, the petitioner was directed to deposit 50% of the cheque amount and he had complied with the same. The petitioner's counsel does not seriously question the finding of guilt and he only seeks some



modification in the matter of sentence.

5. The petitioner who is a senior citizen aged about 60 years. Therefore, considering the overall facts and circumstances of this case, even while confirming the conviction imposed on the petitioner, the sentence imposed on the petitioner is modified as follows:-

i) The respondent/complainant can withdraw the amount of Rs.33,291/- already deposited by the petitioner without notice to the petitioner herein.

ii) The revision petitioner is directed to deposit the balance amount of Rs.33,291/-(Rupees Thirty Three Thousand Two Hundred and Ninety One only) to the credit of C.C.No.25 of 2009 on the file of the Judicial Magistrate No.I, Sivagangai, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the complainant can withdraw the same without notice to the revision petitioner.

iii) If the petitioner makes deposit of the said amount within the time stipulated above, the sentence imposed on the revision petitioner by the Court below will not be implemented. If the petitioner fails to deposit the said amount within the time stipulated above, the petitioner will have to undergo the default sentence of two months Simple Imprisonment.

6. With this modification, this criminal revision case is allowed.

Sd/-

Assistant Registrar (CSIII)

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/ /2020

Sub Assistant Registrar(CS)

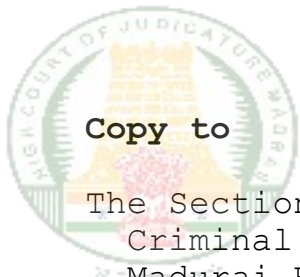
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**To**

1.The Sessions Judge,  
Sivagangai.

2.The Judicial Magistrate No.I,  
Sivagangai.

3.Do-thro  
The Chief Judicial Magistrate,  
Sivagangai.



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

+1 CC to M/s.J.JEYA KUMARAN, Advocate ( SR-24511[F] dated 08/12/2020

Cr1. R.C. (MD) No.382 of 2017  
08.12.2020

SSS (CO)  
KB (22.12.2020) 3P 7C