

**BAIL**

The Revision petitioner accused namely P.Paranjothi, M/53, S.o. Palaniyappa Gounder was directed to be released on bail as per order of this Court dated 29/06/2017 made in CRL.MP.(MD).No.5517 of 2017 in CRL.RC.(MD).No.497 of 2017 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrl. R.C.(MD)No.497 of 2017

P.Paranjothi

.. Petitioner/Appellant/
Accused

Vs.

V.Balakrishnan

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Section 397 of Cr.P.C., to set aside the Judgment dated 23.11.2016 made in C.A.No.73 of 2016 on the file of the Mahila Court, Karur, confirming the Judgment and sentence passed in C.C.No.527 of 2014 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, dated 19.10.2016, convicting the petitioner and sentence to undergo six months Simple Imprisonment and fine of Rs.3,000/- in default to undergo 30 days Simple Imprisonment and allow the revision petition.

For Petitioner : Mr.S.Gokul Raj
For Respondent : Mr.P.Dhanasekaran

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.527 of 2014 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur.

3. The case ended in conviction and sentence. Challenging the same, the petitioner filed C.A.No.73 of 2016 before the Sessions Court/Fast Track Mahila Court, Karur. The Judgment of the trial Court was confirmed vide Judgment dated 23.11.2016. Challenging the same, this criminal revision case came to be filed.

4. The learned counsel appearing for the revision petitioner submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he only pleaded for leniency in the matter of sentence. He would point out that the respondent is a money lender and that he had misused the cheque given as security at the time of taking loan. It appears that only a sum of Rs.3,00,000/- was taken as loan. He would point out that if the



cheque was signed only by the petitioner herein, the respondent had chosen to array the petitioner also as accused and that the complaint was withdrawn as against him later.

5. I am of the view that when both the Courts below had concurrently found the petitioner guilty, this Court would not be in a position to justify in re-appreciating the evidence on record. However, taking note of the overall circumstances, even while confirming the conviction imposed on the petitioner, the sentence of imprisonment imposed on the petitioner is modified as follows:-

i) The revision petitioner is directed to deposit the cheque amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of C.C.No.527 of 2014 on the file of the Judicial Magistrate, Fast Track Court (at Magisterial Level), Karur, within a period of five months from the date of receipt of a copy of this order.

ii) The complainant can withdraw the said amount without notice to the revision petitioner.

iii) If the revision petitioner fails to deposit the cheque amount within the time stipulated above, the sentence imposed on the revision petitioner by the Courts below will be automatically restored. If the revision petitioner makes the deposit of the cheque amount within the time stipulated above, the sentence imposed on the revision petitioner by the Court below will not be implemented.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Sessions Judge,
Mahila Fast Track Court, Karur.

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

2. The Judicial Magistrate,



Fast Track Court at Magisterial Level, Karur.

3.Do-Through

The Chief Judicial Magistrate,
Karur.

4.The Section Officer, (2Copies)

Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Gokul Raj, Advocate, SR.No.26345 dated 18/12/2020

Crl. R.C. (MD) No.497 of 2017
17.12.2020

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KB(04.02.2021) 3P 7C