



BAIL SLIP

Petitioner/Accused, namely, R.Rajkumar, S/o.Ramachandran was directed to be released on bail in and by the order of this Court dated 01.08.2017 made in Crl MP(MD)No.6880/2017 in Crl RC(MD)No.610 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.610 of 2017

R.Rajkumar	...	Petitioner/Accused
	Vs	
1.Santhana Maharajan		
2.The State of Tamil Nadu		
rep. by Public Prosecutor,		
Nagercoil,		
Kanyakumari District.	...	Respondents

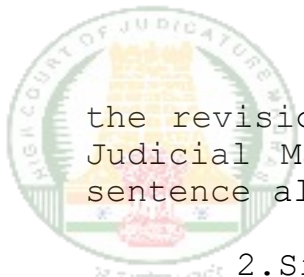
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the judgment dated 22.11.2016 passed in C.A.No.17 of 2007 on the file of the Mahila Fast Track Court, Nagercoil, modifying the judgment, dated 21.12.2006, passed in S.T.C.No.5414 of 2003 on the file of the Judicial Magistrate Court No.II, Nagercoil and set aside the same.

For Petitioner	:	Mr.P.Ramachandran, Legal Aid Counsel
For Respondent No.1	:	Mr.P.M.Vishnuvarthanan
For Respondent No.2	:	Mr.A.Robinson, Government Advocate (Crl. side)

ORDER

This Criminal Revision Case is directed against the Judgment, dated 22.11.2016, passed by the Fast Track Mahila Court, Nagercoil, in Criminal Appeal No.17 of 2007, whereby, the conviction imposed on

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the revision petitioner in S.T.C.No.5414 of 2003 on the file of the Judicial Magistrate Court No.II, Nagercoil, was confirmed and the sentence alone was modified.

2.Since the counsel who filed the revision case reported no instructions, this Court directed the Registry to appoint a legal aid counsel.

3.Today, when the matter was taken up for hearing, the learned Legal Aid counsel appeared and reiterated all the contentions set out in the memorandum of grounds and wanted this Court to set aside the impugned judgment and acquit the accused and allowed the Criminal Revision Case.

4. Per contra the learned counsel for the complainant submitted that the impugned judgment did not warrant any interference and wanted to dismiss the Criminal Revision Case.

4.I carefully considered the rival contentions and went through the evidence on record.

6.The case of the complainant is that the revision petitioner Rajkumar was known to the complainant and that over a period of several months, the accused borrowed a sum of Rs.3,95,000/-. On 10.09.2003 the complainant went to the house of the accused and called upon the accused to clear the liability. The accused is said to have issued Ex.P.1 cheque, dated 10.09.2003, favouring the complainant for the said sum. On 16.09.2003, the complainant presented the cheque, it was returned unpaid on 17.09.2003. Therefore, on 18.09.2003, the complainant issued Ex.P.3 statutory notice. The accused received the same on 22.09.2003. The accused did not issue any reply nor, did he comply with the demand. Therefore, the complainant was left with no other option to file the aforesaid complaint.

7.The complainant examined himself as P.W.1 and Exs.P.1 to Exs.P.5 were marked. The accused himself examined as D.W.1 and three others. He also marked Ex.D.1 complaint given to the Superintendent of Police.

8.The learned Trial Magistrate after consideration of the evidence on record found the accused guilty and sentenced him to six months Simple Imprisonment and levied a fine of Rs.5,000/-. The conviction imposed on the revision petitioner was confirmed by the Appellate Court, but the sentence was modified. Challenging the same, this Criminal Revision Case has been filed.

9.The defence of the accused is that he borrowed only a sum of Rs.2,00,000/- and that Ex.P.1 is for a sum that is in excess of the actual liability of the accused. But the accused wants to



complaint. It was given only on 16.09.2003. By then, the cheque had already been presented. Therefore, I am of the view that this complaint has been given more as an after-thought. The Courts below concurrently found the accused guilty. There is no ground to interfere and the Criminal Revision Case stands dismissed.

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10. Accordingly, this Criminal Revision Case stands dismissed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /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 Fast Track Mahila Court,
Nagercoil.
- 2.The Judicial Magistrate Court No.II,
Nagercoil.
- 3.The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 4.The State of Tamil Nadu,
The Public Prosecutor,
Nagercoil, Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

Crl.R.C(MD)No.610 of 2017
22.12.2020

(CO)