



BAIL SLIP

P.Saravanan, S/o.K.R.Periyanan, Male aged about 35 years/2017 (Accused) was released on bail vide court order dated 04.08.2017 in Crl.MP (MD)No.7062 of 2017 in CRL RC(MD)No.620 of 2017.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.620 of 2017

P.Saravanan

... Petitioner

Vs

Sree Gokulam Chit &
Finance Company Private Ltd.,
Rep. by its Authorized Signatory,
Assistant Business Manager,
P.Gopal,
S/o.(late) Palraj,
Having Office at Nalli Plaza,
No.29, Covai Road,
Karur-639 002.

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 22.06.2017 made in C.A.No.32 of 2017 on the file of the Mahila court, Karur, confirming the Judgment and modifying the sentence passed in C.C.No.3 of 2012 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, dated 19.01.2017, convicting the petitioner and sentence to undergo three months simple imprisonment and allow the revision petition.

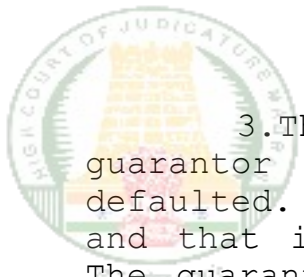
For Petitioner : Mr.S.Gokul Raj

For Respondent : Mr.A.Hajamohideen

ORDER

Heard the learned counsel on either side.

2.The respondent prosecuted the petitioner for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.3 of 2012 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur. The case ended in conviction and sentence. Questioning the same, the petitioner filed C.A.No.32 of 2017 before the Mahila Court, Karur. Vide Judgment dated 22.06.201, the Appellate Court confirmed the conviction, but modified the sentence. Challenging the same, this revision case came to be filed.



3.The respondent is a chit company and the petitioner was a guarantor of the chit transaction. The original subscriber had defaulted. Therefore, the cheque of the petitioner was presented and that is how, the impugned prosecution came to be instituted. The guarantor's liability is coextensive as that of the principal borrower. Therefore, the liability of the petitioner cannot be in doubt.

4.Having regard to the evidence on record, the learned counsel for the petitioner submitted that he would not challenge the finding of guilt and that he would only pray for modification in the matter of sentence.

5.Taking note of the mitigating circumstances pleaded by the petitioner's counsel, even while confirming the conviction, the sentence is modified as follows:-

(I)The petitioner is directed to deposit the cheque amount of Rs.1,25,487/- to the credit of C.C.No.3 of 2012 on the file of the Judicial Magistrate/Fast Track Court, Magisterial Level, Karur, within a period of three months from the date of receipt of a copy of this order.

(II)It is open to the complainant to withdraw the cheque amount without notice to the petitioner.

(III)If the petitioner fails to deposit the said cheque amount, the sentence imposed on the petitioner by the Courts below will stand automatically restored. If he deposits the said amount, it would not be enforced.

6.With this modification in the matter of sentence, this Criminal Revision Petition is partly allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Magisterial Level, Karur.

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



2. The Chief Judicial Magistrate, Karur.

3. The Mahila Court, Karur.

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

+1cc to Mr.S.Gokul Raj, Advocate Sr.No.26555

CrI.R.C (MD) No.620 of 2017
21.12.2020

VB (08.01.2021) 3P 7C