



**BAIL SLIP**

P.Regupathi, S/o.Pitchai Muthu, Male was released on bail vide court order dated 22.08.2017 made in CRL MP(MD)No.7458 of 2017 in CRL RC(MD)No.659 of 2017.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.R.C(MD) .No.659 of 2017

P.Regupathi

... Petitioner/  
Appellant/Accused

Vs

N.Kulanthaivelu

... Respondent/  
Respondent/Complainant

**PRAYER:** Petition filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records pertaining to the order dated 27.02.2017 passed in C.A.No.21 of 2016 on the file of III Additional District and Sessions Court, Thanjavur (E) Pattukottai by enhancing the order dated 23.03.2016 passed in STC.No.632 of 2011 on the file of the District Munsif Judicial Magistrate, Orathanadu and set aside the same.

|                |                      |
|----------------|----------------------|
| For Petitioner | : Mr.G.Karnan        |
| For Respondent | : Mr.S.Deenadhayalan |

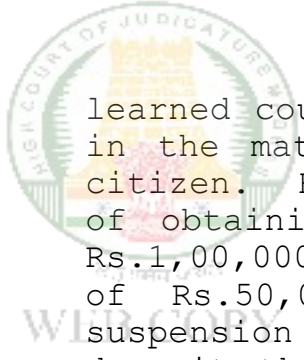
**ORDER**

Heard the learned counsel on either side.

2.The petitioner was prosecuted for the offence under Section 138 of the Negotiable Instrument Act in STC.No.632 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Orathanadu. The case ended in conviction and sentence. The petitioner filed C.A.No.21 of 2016 on the file of III Additional District and Sessions Court, Thanjavur (E) Pattukottai. Interestingly, the petitioner suffered enhanced in the matter of payment of compensation. Aggrieved by the same, this revision case came to be filed.

3.The learned counsel appearing for the petitioner pointed out that in his appeal, he should not have been put to any worse condition without notice.

4.I would definitely concur with the said contention. When I indicated that I would set aside the order passed by the Appellate Court and restore the order of the learned Trial Magistrate, the



learned counsel submitted that he would instant pray for indulgence in the matter of sentence. The petitioner appears to be senior citizen. He had already deposited a sum of Rs.50,000/- at the time of obtaining suspension of sentence. The cheque amount is for Rs.1,00,000/-. The complainant is permitted to withdraw the amount of Rs.50,000/- deposited by the accused while obtaining the suspension of sentence. The accused is given three months time to deposit the balance cheque amount of Rs.50,000/- to the credit of Stc.No.632 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Orathanadu. The complainant can withdraw the same without notice to the petitioner. If the accused deposits the balance amount within a time stipulated above, the sentence imposed on him would not be enforced. If the petitioner fails to adhere to the time limit, then, the sentence imposed on the petitioner by the learned trial Magistrate will be enforced against him.

5. With these modifications in the matter of sentence, the Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Rmk

To

1. The III Additional District and Sessions Court,  
Thanjavur (E)  
Pattukottai District.
2. The District Munsif cum Judicial Magistrate,  
Orathanadu.
3. Through The Chief Judicial Magistrate,  
Thanjavur District.

Crl.R.C (MD) .No.659 of 2017  
10.12.2020

VB (08.01.2021) 2P 4C