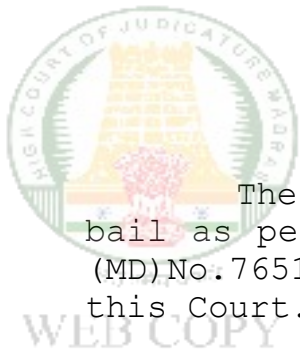




BAIL SLIP

The Revision Petitioner namely S.Vivekanandan was released on bail as per order of this Court dated 23.08.2017 and made in Crl.MP (MD)No.7651 of 2017 in Crl. R.C.(MD)No.671 of 2017 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. R.C.(MD)No.671 of 2017

S.Vivekanandan

.. Petitioner/Appellant/
Sole Accused

Vs.

R.Sivasubramani

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the Judgment and conviction made in C.A.No.1 of 2015 by the Additional District and Sessions Judge, Palani dated 05.07.2017 by confirming the Judgment and conviction made in S.T.C.No.79 of 2013 by the Fast Track Court(Magisterial Level), Palani, dated 12.12.2014.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.D.Venkatesh

ORDER

Heard the learned counsel on either side.

2. The respondent filed S.T.C.No.79 of 2013 before the Judicial Magistrate/Fast Track Court(at Magisterial Level), Palani, for the offence under Section 138 and 142 of the Negotiable Instruments Act, against the petitioner.

3. The case ended in conviction and sentence. Aggrieved by the same, the petitioner filed C.A.No.1 of 2015 before the Additional District and Sessions Judge, Palani. The appeal was dismissed and the Judgment of conviction and sentence was confirmed. Questioning the same, criminal revision case came to be filed.



4. Having regard to the evidence on record, the learned counsel appearing for the petitioner states that he is not in a position to challenge the finding of guilt. He only seeks modification in the matter of sentence.

WEB COPY

5. The Court below has sentenced the petitioner to undergo six months Simple Imprisonment. The petitioner is a senior citizen. Therefore, I am of the view that the petitioner can be given one more opportunity. The cheque amount is for a sum of Rs.70,000/-. For dishonour of a low value cheque, the petitioner need not go to prison. 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.70,000/- (Rupees Seventy Thousand only) to the credit of S.T.C.No.79 of 2013 on the file of the Judicial Magistrate/Fast Track Court (at Magisterial Level), Palani, within a period of three 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 Court 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 in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)

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 Additional District and Sessions Judge,
Palani.
2. The Fast Track Judge (Magisterial Level),
Palani.
3. do-through : The Chief Judicial Magistrate,
Dindigul District.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

PMU

TE : 04/02/2021 : 3P/6C

CrI. R.C. (MD) No. 671 of 2017
17.12.2020