



Bail Slip

The Criminal Revision Petitioner/Accused namely V.Ramprakash was directed to be released on Bail vide order dated 16.11.2017 in CrI.MP(MD)No.10129 of 2017 in CrI.RC(MD)No.820 of 2017 on the file of the Madurai Bench of Madras High Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C. (MD)No.820 of 2017

V.Ramprakash

... Petitioner

Vs.

Meiyyappan

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to judgment in S.T.C.No.342 of 2008 dated 12.08.2015 passed by the learned Judicial Magistrate, Pudukkottai and confirmed the judgment and conviction dated 10.08.2017 in Criminal Appeal No.79 of 2015 by the learned Principal District and Sessions Judge, Pudukkottai and set aside the same and consequently allow the criminal revision.

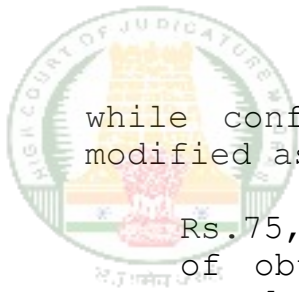
For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.K.G.Arun Kumar

O R D E R

The respondent/Meiyyappan filed S.T.C.No.342 of 2008 on the file of the learned Judicial Magistrate, Pudukkottai for the offence under Section 138 of the Negotiable Instrument Act. The case ended in conviction and sentence. Questioning the same, the revision petitioner filed C.A.No.79 of 2015 before the learned Principal District and Sessions Judge, Pudukkottai. Vide judgment dated 10.08.2017, the appeal was dismissed and the judgment of the Trial Court was confirmed. Challenging the same, this criminal revision case came to be filed.

2.The learned counsel for the revision petitioner states that having regard to the evidence on record, he is not in a position to challenge the finding of guilt. He only wants some leniency to be shown in the matter of sentence. The petitioner a Dentist by profession, appears to have become an insolvent. Taking note of the unfortunate circumstance in which the professional is placed, even



while confirming the conviction, the sentence imposed on him is modified as follows:-

(i) The petitioner had already deposited a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) at the time of obtaining suspension of sentence. It is open to the complainant to withdraw the said amount without notice to the petitioner.

(ii) The petitioner is directed to deposit the balance cheque amount of Rs.2,15,000/- /- (Rupees Two Lakhs and Fifteen Thousand Only) to the credit of S.T.C.No.342 of 2008, on the file of the learned Judicial Magistrate, Pudukkottai within a period of five months from the date of receipt of a copy of this order. On such deposit, the same can be withdrawn by the complainant without notice to the petitioner.

(iii) If the petitioner makes the said deposit as stipulated above, the sentence of imprisonment imposed on him will not be enforced. If the petitioner fails to make the said deposit, the substantive sentence of imprisonment imposed by the Court below will be implemented.

3.With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// 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 Principal District and Sessions Judge,
Pudukkottai District, Pudukkottai.



2.The Judicial Magistrate,
Pudukkottai, Pudukkottai District.

Copy to:

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

Cr1.R.C. (MD) No.820 of 2017

23.12.2020

VR (CO)
NR (04/02/2021) 3P : 5C