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Crl. R.C.(MD)No.879 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. R.C.(MD)No.879 of 2017 and

CRL.M.P.(MD)Nos.10798 & 10799 of 2017

V.Ravichandran

.. Petitioner/Appellant/
Sole Accused

Vs.

S.Muruganantham

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Sections 397 & 401 of Cr.P.C., to set aside the order passed in C.A.No.120 of 2017 and the learned Additional Sessions Court, Karur, by confirming the sentence passed by the learned Judicial Magistrate/Fast Track Court at Magisterial Level, Karur, in C.C.No.66 of 2014, dated 19.07.2017 and acquit the petitioner.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.T.M.Madasamy

ORDER

The petitioner was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.66 of 2014 on the file of the Judicial Magistrate/Fast Track Court at Magisterial Level, Karur.

2. The case ended in conviction and sentence. The same was challenged in C.A.No.120 of 2017 on the file of the Additional Sessions Judge, Karur. The appellate Court also confirmed the Judgment of the trial Court and dismissed the appeal. Questioning the same, this criminal revision case came to be filed.

3. The learned counsel appearing for the petitioner does not seriously challenge the finding of guilt and he only wants this Court to modify the sentence.

4. Taking note of the circumstances pleaded by the learned counsel appearing for the petitioner, even while confirming the conviction imposed on the petitioner, the sentence of imprisonment imposed on the petitioner is modified as follows:-

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



i) The revision petitioner is directed to deposit the cheque amount of Rs.90,000/- (Rupees Ninty Thousand only) to the credit of C.C.No.66 of 2014 on the file of the Judicial Magistrate/Fast Track Court at Magisterial Level, Karur, within a period of eight weeks from the date of receipt of a copy of this order.

ii) The complainant can withdraw the said amount without notice to the accused.

iii) If the petitioner fails to deposit the cheque amount within the time stipulated above, the sentence imposed on the revision petitioner by the Courts 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.

5. With this modification, this criminal revision case is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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 Sessions Judge,
Karur.

2. The Judicial Magistrate/
Fast Track Court at Magisterial Level, Karur.



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

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VR (CO)

NR (04/02/2021) 3P : 4C