

**BAIL SLIP**

The Revision Petitioner/Accused viz., V.N.Swaminathan, Male, S/o.A.V.Malayandi servai, was released on Bail vide Court order dated 02/02/2018, made in Crl MP(MD)No.11114 and 10933 of 2017 in Crl RC(MD)No.895 of 2017.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl.R.C.(MD)No.895 of 2017

V.N.Swaminathan

.. Petitioner/Appellant/
Accused

Vs.

M.Shanmugam

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Additional District Judge, Pudukkottai in Crl.A.No.8 of 2014 by Judgment dated 13.10.2017 modifying the conviction and sentence imposed by the learned District Munsif, Pudukkottai in C.C.No.1 of 2013 by the Judgment dated 07.02.2014 and set aside the Judgments of the Courts below and acquit the petitioner.

For Petitioner : Mr.D.Rameshkumar

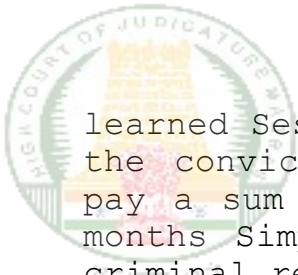
For Respondents : No appearance.

ORDER

Heard the learned counsel appearing for the petitioner.

2. Though the respondent has been served and his name is also printed in the cause list, there is no appearance on his behalf.

3. The petitioner was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.22 of 2006 on the file of the District Munsif, Pudukkottai. The case ended in acquittal. Challenging the same, the complainant filed Crl.A.(MD) No.552 of 2008 before the High Court. By order dated 01.04.2010, the appeal was allowed and the matter was remitted to the file of the trial Court. Thereafter, the case was taken in C.C.No.1 of 2013 on the file of the District Munsif, Pudukkottai. The learned trial Magistrate by Judgment dated 07.02.2014, found the accused guilty of the said offence and sentenced him to undergo six months Simple Imprisonment and levied a fine of Rs.3,000/-. Default sentence was also imposed. Questioning the same, C.A.No.8 of 2014 was filed before the Additional District and Sessions Judge, Pudukkottai. The



learned Sessions Judge by Judgment dated 13.10.2017 while confirming the conviction, modified the sentence and directed the accused to pay a sum of Rs.80,000/- as compensation. Default sentence of six months Simple Imprisonment was imposed. Challenging the same, this criminal revision case came to be filed.

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4. The learned counsel appearing for the accused submitted that he would not challenge the finding of guilt. He only seeks modification in the matter of sentence. He would also state that the petitioner had already deposited a sum of Rs.40,000/- at the time of obtaining suspension of sentence. The accused has no objection for the complainant to withdraw the same.

5. The conviction imposed on the petitioner for the offence under Section 138 of the Negotiable Instruments Act is confirmed. I am of the view that there is no need and necessity for doubling the compensation. Therefore, the sentence of imprisonment imposed by the lower appellate Court is modified as follows:-

i) The petitioner is directed to pay a sum of Rs.40,000/- (Rupees Forty Thousand only) as compensation. Since this direction had already been complied with, there is no need for the petitioner to deposit any further amount.

ii) If the complainant had already withdrawn the said amount, no further orders are necessary. If the complainant had not withdrawn the sum of Rs.40,000/- deposited by the accused already, then he is at liberty to do so without notice to the accused.

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

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

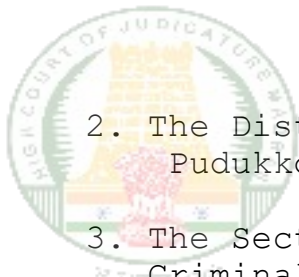
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

1. The Additional District Judge,
Pudukkottai.



2. The District Munsif,
Pudukkottai.

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

Crl. R.C. (MD) No. 895 of 2017
11.12.2020

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