



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order
10.08.2021

Date of Pronouncing Order
24.08.2021

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.Nos.1074 & 1075 of 2015

Disson Fernando
Proprietor
M/s. Nithyanandha Agencies,
No.3, Nehru Nagar, Mannurpet,
Chennai - 600 050.

.. Petitioner in both Crl.R.C.

Vs.

M/s.Form Print,
No.17, Baker Street,
Chennai - 600 001.
Rep.by its Authorised
Power Agent Muthukumar.

..Respondent in both Crl. R.C.

Common Prayer : Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in C.A.No.199 & 200 of 2014, dated 22.04.2015 on the file of the XIX Additional Session Judge, City Civil Court, Chennai and allow the revision petition.

For Petitioner : No Appearance

For Respondent : Mr.R.Ganesh Kumar

C O M M O N O R D E R

The matter is heard through "Video Conference".

2. The learned counsel for the revision petitioner is absent. The learned counsel for the respondent is present.

3. The learned counsel for the respondent would submit that these revision petitions have been filed by the accused against the order passed in C.A.Nos.199 & 200 of 2014, by the learned Sessions Judge, by confirming the conviction and sentence passed in C.C.Nos.1256 & 1257 of 2012. Both the Courts below have concurrently held that the cheques in issue viz.,



three cheques in C.C.No.1256 of 2012 and two cheques in C.C.No.1257 of 2012, were issued by the accused for the legally enforceable debt viz., Rs.2,53,776/- and accordingly, laid the conviction by passing the separate orders in the above said C.C.Nos.1256 & 1257 of 2012. Aggrieved against the said conviction and sentence, the accused has preferred these criminal revision cases.

3 (a). The few points that have been projected in the grounds of appeal are that Ex.P5 is the demand notice; CrI.R.C.No.1075 of 2015 has been filed in respect of three dishonored cheques; CrI.R.C.No.1076 of 2015 has been filed in respect of two dishonored cheques and he could contend that for each dishonor there must be a separate demand notice. Both the Courts below have held that no requirement of any statute that there should be a separate notice for each dishonor of cheque. He would further contend that Ex.P5 is the demand notice, which was issued for demanding five cheque amounts together and the same is not valid demand notice under Section 138(b) of the Negotiable Instruments Act.

3(b).He would further relied upon the judgment reported in 2019 SCC online SC 2002 - Vani Agro Enterprises Vs. State of Gujarat and another), 2003 (2) DCR 199 - (Satraw Enterprises Vs. Amar Industries), and 2004 (2) Banklaw 440 - (Mohammed Vs. State of Kerala) and also draw my attention to the discussions of the trial Court regarding the business transaction between the private complaint/respondent and the appellant/accused, with regard to Ex.P2 and Ex.P7, supply of art board to the accused and the delivery was duly signed by the accused and towards cost of the material supply initially there was three cheques and another two cheques and a common demand notice was issued and the case has been split up and accordingly, both the criminal revision cases.

4. After going through the findings rendered by both the Courts below with regard to the transaction between the parties and execution of pro note and signature admitted by the revision petitioner herein and as, rightly held that the respondent-private complainant has discharged initial burden and also entitled for statutory presumption, under Section 139 of Negotiable Instruments Act and the respondent has not rebutted the presumption. Accordingly, laid the conviction under Section 138 of the Negotiable Instruments Act.

5. After going through the evidence and also the finding rendered by both the Courts below, I do not find any perversity in the order or error in rendering such a finding. Taking into consideration, this Court is of the revision that in the absence



of any error and perversity in the order passed by the Courts below, this Court is of the considered view that the revision is devoid of merits and liable to be dismissed.

6. Accordingly, the criminal revision cases are dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AT

To

The XIX Additional Sessions Judge,
City Civil Court,
Chennai.

Copy to:

The Section Officer (Records)
Criminal Section,
High Court, Madras

+2CCs to Mr.R.Ganeshkumar, Advocate, Sr.Nos.42425, 42426

Cr1.R.C.Nos.1074 & 1075 of 2015

AJS (CO)

K.RK. (24.09.2021)