



BAIL SLIP

The Petitioner/Accused namely Balathadayuthan S/o. Mahalingam was released on bail vide order dated 12/01/2015 in M.P 1/2015 in CrI.R.C.No.23 of 2015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.23 of 2015

Balathandayutham

...Petitioner

.. Vs ..

L.Sakthivel

...Respondent

Prayer :- Criminal Revision filed under 397 and 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 28.01.2014 in C.A.No.39 of 2013 on the file of the Principal Sessions Judge, Namakkal by confirming the judgment and conviction dated 23.08.2013 on the file of learned Judicial Magistrate-FTC, Tiruchengodu in S.T.C.No.22/13 and set aside the same.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.R.Marudhachalamurthy

O R D E R

The respondent herein filed S.T.C.No.22/2013 before the learned Judicial Magistrate, Fast Track Court, Tiruchengode alleging that on 01.09.2012 the accused had borrowed a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) from the complainant and to discharge the same, the accused on 11.09.2012 issued a cheque in favour of the complainant bearing Cheque No.013744 drawn on Indian Bank, Kumbakonam and the accused filled up the cheque in front of the complainant and signed and given to the complainant and the complainant presented the same for collection on 11.09.2012 through his Bank, Indian Overseas Bank, Periyamanali Branch and the same was returned to the complainant on 12.10.2012 as "Funds Insufficient" and then the complainant issued a Registered Legal Notice to accused on 03.11.2012 and the same was received by the accused but the



accused neither paid the amount nor send any reply. Hence, the complaint.

2. After trial, the Magistrate Court convicted the revision petitioner herein and also convicted sentence to undergo 3 months imprisonment that with fine of Rs.5,000/-. The Lower Appellate Court in C.A.No.39/2013 has confirmed the conviction and sentence and hence the revision petition.

3. From the docket entry, I find that a conditional order of deposit of 50% namely Rs.37,500/- and the same is complied with. Subsequently, an another amount of Rs.37,500/- is also paid by the respondent.

4. The learned counsel for the revision petitioner based upon the payment could contend that the sentence may be accordingly modified.

5. The learned counsel for the respondent could contend that cheque is of the year 2012 and hence he seeks the sentence as a doubled payment.

6. After perusing the evidence of P.W.1 coupled with the evidence of Ex.P3 Written Memo and Ex.P4 Written Memo along with Ex.D1- Indian Bank Account Statement of the complainant, I find that the conviction is appropriate. However taking note of the fact that the entire cheque amount has already been paid. The sentence is modified to the cheque amount and since the said amount has already been paid, I find that the revision petition may be set at liberty the bail bond executed shall stands vacated.

7. Accordingly, this Criminal Revision Petition is allowed-in-part to the limited extent indicated above.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Sessions Judge, Namakkal

2. The Judicial Magistrate-FTC, Tiruchengodu



3. The Chief Judicial Magistrate,
Namakkal. (For Information)

+1 CC to Mr.R.Marudhachalamurthy, Advocate, Sr 28699.

Cr1.R.C.No.23 of 2015

RLD (CO)
LS (22/07/2021)