



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.848 of 2017
and
Crl.M.P.No.7895 of 2017

B.Sampathkumar ...Petitioner/Accused

Vs.

R.Subramaniyan ...Respondent/Complainant

PRAYER: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C, to set aside the order dated 04.03.2016, passed by the learned District Munsiff cum Judicial Magistrate, Mettupalayam in C.C.No.80 of 2014 and the same was confirmed by the learned V Additional District and Sessions Judge, Coimbatore, in Crl.A.No.35 of 2016, dated 17.10.2016.

For Petitioners : No appearance

For Respondents : Mr.M.Guruprasad

O R D E R

This Criminal Revision Petition has been filed against the order passed in C.C.No.80 of 2014, by the learned District Munsif cum Judicial Magistrate, Mettupalayam, dated 04.03.2016, as confirmed in Crl.A.No.35 of 2016, by the learned V Additional District and Sessions Judge, Coimbatore, dated 17.10.2016,

2.This Criminal Revision Petition is not yet admitted and the suspension of sentence petition filed in Crl.M.P.No.7895 of 2017 is not yet ordered.

3.Even today, the learned counsel for the revision petitioner is absent.

4.The respondent herein has filed a case in C.C.No.80 of 2014, before the learned District Munsuf cum Judicial Magistrate, Mettupalayam, Coimbatore, under Section 200 of the Cr.P.C. for dis-honour of cheque amount of Rs.5,55,180/-. After the trial, the learned Magistrate, by an order dated 04.03.2016 has convicted the accused for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year



simple imprisonment in default to undergo three months simple imprisonment and also directed the accused to pay the cheque amount of Rs.5,55,180/-. Aggrieved against the same, the revision petitioner herein has preferred an appeal in Crl.A.No.35 of 2016, before the V Additional District and Sessions Judge, Coimbatore and by an order dated 17.10.2016, the learned Judge has dismissed the said appeal and confirmed the conviction and sentence as stated supra.

5.Taking into consideration the scope of the revision, this Court has to find the fact as to whether, there is any perversity or error in the findings of the order passed by both the Courts below.

6.After perusing the orders passed by both the Courts below, this Court finds that there is concurrent finding that the cheque has been issued in three existing dates and the revision petitioner herein /respondent before the Trial Court has not discharged liberal presumption under Section 139 of the Negotiable Instruments Act and hence, I find no error or perversity in the finding of both the Courts below. Accordingly, conviction and sentence passed by both the courts below is hereby confirmed.

7.Accordingly, this Criminal Revision Case stands dismissed and the order passed in C.C.No.80 of 2014, by the learned District Munsiff cum Judicial Magistrate, Mettupalayam, dated 04.03.2016, as confirmed in Crl.A.No.35 of 2016, by the learned V Additional District and Sessions Judge, Coimbatore, dated 17.10.2016, is hereby confirmed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dua

To

1.The District Munsiff cum Judicial Magistrate, Mettupalayam.

2.The V Additional District and Sessions Judge, Coimbatore.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.34089

Crl.R.C.No.848 of 2017
and Crl.M.P.No.7895 of 2017

GSM(CO)
RGA(17/08/2021)