



BAIL SLIP

T.Viswanathan, S/o. Thothan, male, age about 70 years sole accused was directed to be released on bail vide court order dated 23.11.2017 made in CRL MP(MD).10670 of 2017 in CRL RC(MD).869 of 2017.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C. (MD) No.869 of 2017

T.Viswanathan ... Petitioner/Appellant/Accused
vs.

R.Gobinathan ... Respondent/Respondent/Complainant

Prayer:- This Criminal Revision Case filed under Section 397(1) r/w 401 of the Code of Criminal Procedure, to set aside the judgment and conviction made in C.A.No.101 of 2016 by the V Additional District and Sessions Judge, Madurai dated 21.09.2017 in partial modification of the judgment and conviction made in S.T.C.No.186 of 2012 by the Fast Track Court No.I (Magistrate Level), Madurai dated 26.05.2016.

For Petitioner : No appearance
For Respondent : Mr.S.Sankar

ORDER

This Criminal Revision Case has been filed to set aside the judgment made in C.A.No.101 of 2016, dated 21.09.2017 on the file of the V Additional District and Sessions Judge, Madurai, in modifying the judgment made in S.T.C.No.186 of 2012, dated 26.05.2016 on the file of the Fast Track Court No.I (Magistrate Level), Madurai.

2.When the matter came up for previous hearing, the learned counsel for the petitioner/accused appeared before this Court and submitted that the matter is likely to be settled and to that effect, he sought adjournment. Therefore, the case was adjourned. However, for the past several hearing dates from 12.02.2021, there was no representation on behalf of the petitioner/accused.

3.The learned counsel appearing for the respondent/complainant submitted that till date, the learned counsel for the petitioner or the petitioner had not contacted either the counsel for the respondent or the respondent to settle the matter amicably.



4.It is the case of the petitioner that he was convicted and sentenced by the trial Court in S.T.C.No.186 of 2012 to undergo simple imprisonment for a period of 1 year for the offence under Section 138 of Negotiable Instruments Act, 1881, and to pay a sum of Rs.1,60,000/- as compensation payable to the respondent/complainant. Against which, the petitioner had preferred an appeal in Crl.A.No.101 of 2016, wherein, the learned 5th Additional District and Sessions Judge, Madurai had convicted the petitioner herein and sentenced him to undergo simple imprisonment till the raising of the Court and to pay a sum of Rs.1,60,000/- as compensation to the respondent herein. Against which, the present revision case has been filed.

5.On perusal of the records, it is found that from 2017, the present revision case is pending. As per the submission of the learned counsel for the petitioner on previous hearing that the matter is likely to be settled amicably, the petitioner ought to have settled the matter by this time, if his intention was genuine and *bona fides* to settle the matter. However the matter is not settled amicably till date. Since we are in 2021, it can now be inferred that the petitioner is not interested in prosecuting this revision and considering the year of the revision, no useful purpose will be served if the revision case is continued to be kept pending.

6.In view of the above, this Criminal Revision Case stands dismissed. The learned Judicial Magistrate-I, Fast Track Court, Judicial Magistrate Level Madurai is directed to issue warrant to the accused in STC.No.186/2012 to undergo the sentence of imprisonment and also to collect the compensation amount of Rupees One Lakh Sixty Thousand imposed on the accused as per the judgment in S.T.C.No.186/2012 to secure the accused within a month from the date of receipt of this order.

7.Registry is directed to send this order copy to the learned Judicial Magistrate-Fast Track Court, Madurai, through E-mail. The Registry is also directed to send a copy of this order the learned Chief Judicial Magistrate, Madurai and Principal District Judge, Madurai.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Chief Judicial Magistrate,
Madurai

2.Principal District Judge,
Madurai.

3.The V Additional District and Sessions Judge,
Madurai

4.The Judge,
Fast Track Court No.I (Magistrate Level),
Madurai.

5. The Registrar (Judicial),
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.S.SANKAR, Advocate (SR-17806[F] dated 28/04/2021)

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27.04.2021

ARK(CO)
TR(16.06.2021) 3P 7C