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Crl.R.C.No.258 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Sudharsanam

....

Petitioner

Vs

Jayaraman

....

Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the Judgment and conviction dated 31.07.2017 in C.A.No.67 of 2014 on the file of Principal District and Sessions Judge, Tiruvallur, confirming the judgment modify the sentence dated 17.06.2014 made in C.C.No.305 of 2012 on the file of the Fast Track Court, Magisterial Level at Tiruvallur.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.C.Mohan Raj

ORDER

This Revision has been filed as against the Judgement passed in C.A.No.67 of 2014 dated 31.07.2017 on the file of the Principal District Court, Tiruvallur, thereby confirming the Judgment passed in C.C.No.305 of 2012 on the file of the Judicial Magistrate, Fast Track Court Magisterial level, Tiruvallur,



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thereby convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instrument Act.

2. The petitioner is an accused in the complaint lodged by the respondent. The case of the respondent is that the complainant and the accused were doing rice business and as such, they were well known to each other. During the course of their business transaction, the petitioner had purchased 122 rice bags of 75 Kg at a cost of Rs.1,395/- each, totalling Rs.1,70,190/- on 19.09.2010 and promised to pay the said amount within a period of one month. The petitioner also executed a receipt acknowledging debt before the rice mill owner. In spite of several demands, the petitioner failed to repay the said amount. Finally, he paid a sum of Rs.20,000/- and for the remaining amount he issued a cheque for a sum of Rs.1,50,190/-. When it was presented for collection, it was returned with an endorsement as 'payment stopped by the drawer'. After causing statutory notice, the respondent lodged a complaint.

3. On the side of respondent, he examined P.Ws.1 to 4 and marked Exs.P1 to P6. On the side of the petitioner, he examined D.W.1 and marked Exs.D1 and D2.



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4. On perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty for the offence punishable under Section 138 of the Negotiable Instrument Act and he was sentenced to undergo six months simple imprisonment and also awarded a compensation of the remaining cheque amount i.e.,Rs.1,50,190/-. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed and the order of the Trial Court was confirmed.

5. The learned counsel for the petitioner submitted that while pending the sentence, he deposited 50% of the cheque amount to the credit of the Trial Court. He is ready and willing to pay the remaining amount within a time to be stipulated by this Court.

6. In view of the above submission, this Court finds no reason to interfere with the conviction and sentence imposed by the Courts below. Accordingly, this Criminal Revision Case stands dismissed. However, if the petitioner deposits the remaining 50% of the cheque amount to the credit of the Trial Court on or before 12.12.2022, the conviction and sentence imposed by the Courts below would stand set aside. On such payment, the respondent is permitted to withdraw the amount, which are deposited by the petitioner, by



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filing appropriate application before the Trial Court. It is made clear that the

Trial Court is directed to permit the respondent to withdraw the amount,

without ordering any notice to the petitioner.

15.11.2022

Index : Yes/No

Internet : Yes

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Note : Issue order copy on 22.11.2022

To

1. The Principal District and Sessions Judge,
Tiruvallur,

2. The Judicial Magistrate,
Fast Track Court Magisterial Level,
Tiruvallur.



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G.K.ILANTHIRAIYAN, J.

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