



BAIL SLIP

The Petitioner/Accused namely Mr.S.Irudayaraj, S/o.Sowrimuthu, was directed to be released on bail as per the order of this Court dated 06.07.2017 in Crl.M.P.No.8197 of 2017 in Crl.R.C.No.879 of 2017 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.R.C.NO.879 OF 2017
AND
CRL.M.P.NOS.8198 & 8199 OF 2017

S.Irudayaraj

... Petitioner/Accused

Versus

P.Siva

... Respondent/complainant

PRAYER :

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. To set aside the conviction and sentence passed by XV Additional Sessions Court, Chennai in C.A.No.309/2016 dated 25.04.2017 confirming the sentence and order of conviction by learned Metropolitan Magistrate Court, Fast Track Court-II, Chennai in C.C.No.981 of 2014 dated 28.09.2016 and allow the above Criminal Revision Case.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.S.Vivek
for M/s.DMH Partners

O R D E R

This Criminal Revision Case has been filed to set aside the conviction and sentence passed by the learned XV Additional



Sessions Judge, Chennai in C.A.No.309 of 2016 dated 25.04.2017 confirming the sentence and order of conviction passed by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai in C.C.No.981 of 2014 dated 28.09.2016 and allow the above Criminal Revision Case.

2. The petitioner/accused in C.C.No.981 of 2014 was convicted by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for one year and to pay a sum of Rs.10,00,000/- as compensation to the respondent/complainant, in default to undergo three months simple imprisonment. Aggrieved against the same, the petitioner has filed an appeal before the learned XV Additional Sessions Judge, Chennai in C.A.No.309 of 2016. The learned XV Additional Sessions Judge, by judgment dated 25.04.2017 dismissed the appeal with modifications. The learned Sessions Judge confirmed the conviction with regard to one year imprisonment alone. As regards the compensation, the learned Sessions Judge modified the same as Rs.5,00,000/- equivalent to the cheque amount instead of Rs.10,00,000/- and directed the petitioner to pay the same. Against which, the petitioner has preferred this present Criminal Revision Petition.

3. Learned counsel for the petitioner submitted that the petitioner died on 11.07.2019. Thereafter, he was unable to contact anybody from the side of the petitioner.

4. Learned counsel appearing for the respondent submitted that the petitioner S.Irudayaraj died on 11.07.2019 and he has produced the Death Certificate of Irudayaraj. Further, he submitted that the petitioner Irudayaraj had deposited a sum of Rs.50,000/- before the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai in C.C.No.981 of 2014 pursuant to the order passed by the learned Principal Sessions Judge, Chennai, dated 22.12.2016 in CrI.M.P.No.21965 of 2016 in C.A.No.309 of 2016. He further submitted that he had verified from the Lower Court records and found that on 26.07.2017, the petitioner had paid a sum of Rs.1,00,000/- as per the order of this Court in C.M.P.No.8197 of 2017 in CrI.R.C.No.879 of 2017 dated 06.07.2017.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



6. This Court had sought for the report from the Metropolitan Magistrate Court, Fast Track Court-II, Egmore, Chennai. The learned Metropolitan Magistrate vide letter in Dis.No.154/FTC-II/2022 dated 08.04.2022, had submitted that on 19.01.2017, the petitioner/accused had deposited a sum of Rs.50,000/- in Cash in Chief Metropolitan Magistrate Court, Egmore, Chennai in Bill No.76782 dated 19.01.2017. This amount, which the respondent/complainant is entitled to, is to be handed over to him of course, after filing an appropriate application and without any notice to the petitioner/accused.

7. As regards the contention of the respondent/complainant, a sum of Rs.1,00,000/- has been deposited on 26.07.2017 and the same is not available in the report. But the learned counsel for the petitioner submits that on perusal of the original records, he had such recording, which cannot be brushed aside. In the event, the said sum of Rs.1,00,000/- has been deposited by the petitioner/accused, the same to be returned to the respondent/complainant after filing necessary application and without any notice to the petitioner/accused.

With the above observations and directions, this Criminal Revision Case is dismissed as abated. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

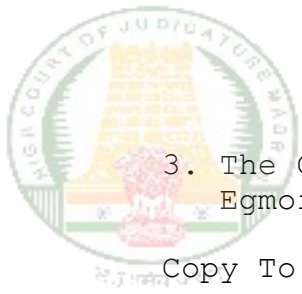
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Sub Assistant Registrar

rsi

To

1. The XV Additional Sessions Judge,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court-II,
Egmore at Allikulam,
Chennai.



3. The Chief Metropolitan Magistrate,
Egmore, Chennai.

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The Section Officer,
Criminal Section, High Court,
Madras.

+2ccs to M/s.DMH Partners, Advocate, S.R.No.26263

Cr1.R.C.No.879 of 2017
and
Cr1.M.P.Nos.8198 & 8199 of 2017

BR(CO)
PM/19/04/2022