



BAIL SLIP

The Petitioner / Accused viz. Mrs.P.Praveena, Female, Aged 35 years, W/o.Purusothaman was released on bail as per order of this Court dated 21.10.2019 in Crl.M.P.No.14986 of 2019 in Crl.R.C.No.1108 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.RC.NO.1108 OF 2019

P.Praveena

...Petitioner / Accused

Vs.

N.Veeraraghavan

...Respondent / Complainant

PRAYER : Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the judgment of the Hon'ble XVIII Additional Sessions Court, Chennai, made in C.A.No.109 of 2019 dated 29.08.2019 confirming the order dated 28.02.2019 passed by the learned Metropolitan Magistrate Fast Track Court-IV, George Town, Chennai 600 001, in C.C.No.3878 of 2017.

For Petitioner : No appearance

For Respondent : Mr.S.Senthilnathan

ORDER

This Criminal Revision is filed by the Revision Petitioner against the judgment of learned Metropolitan Magistrate, Fast Track Court IV, George Town, in which, the Revision Petitioner was convicted for the offence under Section 138 of the Negotiable Instrument Act and was sentenced to undergo ten(10) months Simple Imprisonment and to pay sum of Rs.1,00,000/- as compensation under Section 357(3) of Cr.P.C within one month and in default of payment of the compensation, the accused has to undergo two(2) months Simple Imprisonment as default sentence. Aggrieved by the same, the revision petitioner moved the XVIII Additional Sessions Court in C.A.No.109 of 2019 and the learned Sessions Judge has confirmed both the conviction and sentence



imposed by the learned Magistrate. Aggrieved by the said judgment of the Appellate Court, this Revision is filed.

2. This matter came before this Court on 17.02.2022. Since there was no representation for the revision petitioner on 17.02.2022, it was again posted under the caption "For Final Disposal". Even today(22.02.2022), there is no representation for the revision petitioner. The original records of the case has been arrived. The learned counsel for the respondent was also present. Therefore, this Court has chosen to pass orders on merit.

3. The case of the complainant is that on 10.07.2017, the defacto complainant/respondent herein had advanced a sum of Rs.1,00,000/- to the appellant and towards the repayment of the said loan liability, on October 2012, the appellant had issued a post dated cheque dated 01.11.2017 for a sum of Rs.1.0 lakh towards the discharge of the aforesaid loan liability. When the cheque was presented for collection, it was dishonoured by the petitioner's banker on the ground of insufficient funds in his account vide cheque return memo dated 02.11.2017. This was followed by the respondent issuing a statutory notice dated 07.11.2017 and that notice was returned as refused. Following this, a complaint was laid before the learned Magistrate.

4. During trial, the respondent/defacto complainant examined himself as PW1 and has produced Ex.P1 to Ex.P10. The revision petitioner was examined as DW1. After discussing the law on statutory presumption created under Section 139 of the Negotiable Instrument Act, the learned Magistrate proceeded to rely on categorical admission by the revision petitioner as DW1, wherein, the revision petitioner is stated to have admitted the liability.

5. This Court has perused the cross examination of D.W.1 wherein, she has admitted the liability and also admitted that she is yet to pay Rs.90,000/- When the liability is admitted, the issuance of cheque is not denied, nothing more remains to be agitated in this matter.

6. In the result, this Court does not find any merit in the revision and hence it is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

msv/nr



To

The Metropolitan Magistrate,
Fast Track Court - IV,
George Town, Chennai - 600 001.

+1cc to Mr.S.Senthilnathan, Advocate Sr.No.11688

Cr1.RC.No.1108 of 2019

SKM(CO)
RVM(06/06/2022)