



Crl RC .No.937 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl RC No.937 of 2016

D.Manimuthu ..Petitioner / Appellant / Accused
Vs.

K.Kamalam ...Respondent / Respondent /
Complainant

Prayer: Criminal Revision case is filed under Section 397 (1) r/w 401 of Cr.PC to set-aside the conviction imposed in the judgement dated 09.03.2016 made in C.A.No.84 of 2015 on the file of the learned First Additional Sessions Court, Erode confirming the judgement dated 15.07.2015 made in STC No.262 of 2012 on the file of the learned Judicial Magistrate Fast Track Court No.II, Erode.

For Petitioner : Mr.M.Guru Prasad

For Respondent : Mr.V.Balamurugane



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ORDER

This Criminal Revision case has been filed against the judgement and order passed by the I Additional Sessions Judge, Erode, in Crl.A.No.84 of 2015 dated 09.03.2016, confirming the judgement and order passed by the Judicial Magistrate (FTC II), Erode in STC No.262 of 2012 convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- and in default to undergo one month simple imprisonment.

2. When the matter was taken up for hearing today, the learned counsel who was appearing for the petitioner brought to the notice of this Court that the petitioner Manimuthu died on



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13.02.2020. A copy of the death certificate was also produced before this Court along with legal heir ship certificate. In view of the same, this Criminal Revision case abates.

3. During the pendency of this criminal revision case, the sentence imposed against the petitioner was suspended by an order dated 03.08.2016 vide Crl MP No.7278 of 2016, by directing the petitioner to deposit 50% of the cheque amount. Accordingly, a sum of Rs.1,50,000/- has been deposited before the Trial Court. Since the revision itself abates due to the demise of the petitioner, it is left open to the legal heirs to file an appropriate memo before the Trial Court seeking for the withdrawal of the sum of Rs.1,50,000/- and the same shall be allowed by trial Court.

4. This Criminal Revision case is disposed of accordingly.



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No costs.

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Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order

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To

1. The First Additional Sessions Court, Erode
2. The Judicial Magistrate Fast Track Court No.II, Erode.



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N. ANAND VENKATESH, J.

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