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Crl.R.C.No.1148 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.R.C.No.1148 of 2017

Anthony Francis

... Petitioner /accused

Vs.

1.T.Murugan

2.The Inspector of Police,
Palamedu.

... Respondents

(R2 suo-motu impleaded as per order in
Crl.R.C.No.1148 of 2017 dated 08.03.2022)

PRAYER : Criminal Revision is filed under Sections 397 & 401 of Cr.P.C., to call for the records and set aside the order made in C.A.No.32 of 2016 passed by the Principal District and Sessions Judge, Vellore, Vellore District dated 01.03.2017 confirming the judgment of the Judicial Magistrate (Fast Track Court) at Vellore by order dated 02.06.2016 in C.C.No.26 of 2014.

For Petitioner : Mr.D.Thirumoorthy for
Ms.S.P.Arthi

For Respondents : Mr.R.Moorthi, GA for R2
Ms.S.Manisha Bhora, Legal Aid
Counsel for R1

ORDER



CrI.R.C.No.1148 of 2017

This Criminal Revision has been filed to call for the records and set aside the order made in C.A.No.32 of 2016 passed by the Principal District and Sessions Judge, Vellore, Vellore District dated 01.03.2017 confirming the judgment of the Judicial Magistrate (Fast Track Court) at Vellore by order dated 02.06.2016 in C.C.No.26 of 2014.

2. Heard the learned counsels for the petitioner and the first respondent and the learned Government Advocate for the second respondent.

3. The petitioner is the accused against whom the first respondent has preferred a private complaint for initiating action against him for the offence under Section 138 of Negotiable Instruments Act. As per the complaint filed by the first respondent, the petitioner had availed a loan of Rs.1,10,000/- on 06.06.2013 and had executed a promissory note. On 17.01.2014, the petitioner had issued a cheque for Rs.1,10,000/- towards the discharge of the above said loan. When the cheque was presented for collection, it got dishonoured and subsequently, a criminal complaint was filed after completing all legal mandates. The case was taken cognizance and the trial was concluded and the petitioner was found guilty and he was sentenced to undergo six months simple imprisonment and imposed with a fine of Rs.5,000/- and



double the amount of the cheque amount as compensation. The first appeal preferred by the petitioner challenging the above judgment was also dismissed in C.A.No.32 of 2016 by the Principal District and Sessions Judge on 01.03.2017. Now, the Revision has been preferred challenging the above said judgment.

4. The learned counsel for the petitioner submitted that the fine amount as ordered has already been paid during the pendency of this proceedings; the petitioner has deposited the total cheque amount of Rs.1,10,000/- in the Trial Court in pursuant to the order of the Court dated 30.08.2017 and 23.12.2022.

5. The above said fact was admitted by the first respondent also. Taking into consideration of the deposit made by the petitioner and on hearing the mutual submissions made by the learned counsels for the parties, I feel it is appropriate to modify the sentence alone by setting aside the sentence and confirming the fine of Rs.5,000/- and modifying the compensation from double the amount of the cheque amount to the sum equivalent to the cheque amount. The amount already deposited by the petitioner as per the earlier orders of this Court dated 30.08.2017 and 23.12.2022 can be treated as the compensation paid by the petitioner and the respondent is at liberty to receive the said



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amount from the Court by filing appropriate application.

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6. With the above observations, This Criminal Revision Petition is disposed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

02.02.2023

To

1.The Principal District and Sessions Judge,
Vellore, Vellore District.



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2.The Inspector of Police,
Palamedu.

3.The Public Prosecutor,
High Court, Madras.

R.N.MANJULA, J.

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