



Crl.R.C(MD)No.49 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.49 of 2019

and

Crl.M.P.(MD)Nos.1336 and 1337 of 2019

Seenivasan

... Petitioner

Vs.

Adaikkan

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397(1) r/w 401 of the Code of Criminal Procedure, to call for the records of the learned District Sessions Judge, Sivagangai confirming the conviction and sentence of 2 years simple imprisonment and to pay a compensation of Rs.19,40,000/- in default to undergo three months simple imprisonment and further the said compensation is to be pay to the complainant under Section 357(3) of Cr.P.C., for an offence under Section 138 of Negotiable Instruments Act, passed by the learned Fast Track Court, Magisterial Level, Karaikudi in C.C.No.251 of 2017 dated 19.03.2018 and set aside the judgments of the Courts below and acquit the petitioner.

For Petitioner : No Appearance

For Respondent : Mr.P.Sundar Srinivasam,



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ORDER

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This revision has been filed to set aside the order passed in Crl.A.

No.43 of 2018 on the file of the learned District and Sessions Judge, Sivagangai, dated 08.01.2019, confirming the conviction and sentence passed in C.C.No.251 of 2017 on the file of the Fast Track Court, Magisterial Level, Karaikudi, dated 19.03.2018.

2.The petitioner is an accused in the complaint lodged by the respondent and the respondent is the complainant for the offence punishable under Section 138 of the Negotiable Instruments Act.

3.Already there was complaint lodged by the respondent for the offence under Section 138 of Negotiable Instruments Act in S.T.C.No. 122 of 2016. The said case was referred before the Lok Adalath. In the Lok Adalath, the matter had been amicably settled by issuance of cheque for a sum of Rs.19,00,000/- as full and final settlement. On receipt of cheque for the said sum, the case was awarded by the Lok Adalath. The said cheque was presented for collection and the sum was dishonored for the reason 'funds insufficient'. Therefore, the respondent passed statutory



notice and filed complaint.

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4.On the side of the petitioner, he has examined D.W.1 and Ex.D.1 to Ex.D.6 were marked and on the side of the respondent, no witness was examined and no document was marked.

5.On perusal of the oral and documentary evidence, the trial Court found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years simple imprisonment and imposed a compensation of Rs.19,40,000/- in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A. No.43 of 2018 on the file of the learned District Sessions Judge, Sivagangai and the Appellate Court also dismissed the same confirming the order of the trial Court. Hence, the present revision.

6.The learned counsel for the petitioner would submit that he had no instructions from the petitioner and he also filed a memo for



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withdrawing his appearance in this case. Even then the petitioner did not engage any other counsel and also filed to appear before this Court.

7.A perusal of the records reveals that Ex.P1 was issued by the petitioner before the Lok Adalath to tune of Rs.19,40,000/- as full and final settlement in S.T.C.No.122 of 2016. On receipt of the same, the Lok Adalath passed award dated 11.02.2017, which was marked as Ex.P6. In pursuant to the issuance of cheque, the Lok Adalath passed an award and the said cheque was again was dishonored by the petitioner herein. Therefore, the respondent clearly proved this case beyond any doubt and in order to rebut the same, the petitioner did not even examine any body or any iota of evidence produced before this Court. Therefore, the Courts below rightly convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act. This Court finds no infirmity or illegality in the order passed by the Courts below.



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8. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petitions are closed.

20.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
mrn

To

1. The District Sessions Judge ,
Sivagangai.

2. The Judicial Magistrate, Fast Track Court
Karaikudi.



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G.K.ILANTHIRAIYAN, J.

Mrn

Order made in
Crl.R.C(MD)No.49 of 2019

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