



Crl.R.C(MD)No.589 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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A.Ponnammal	... Revision Petitioner/Appellant/ Accused
	Vs.
D.G.Ramachandran	... Revision Respondent/Respondent/ Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records from the Lower Courts and set aside the Judgment of the Appellate Court passed by the learned Additional District and Sessions Judge (Fast Track Court) Theni, in C.A.No.8 of 2016 dated 23.08.2018 confirming the judgment of the learned Judicial Magistrate (fast Track Court) at Judicial Magisterial Level, Uthamapalayam, Theni District in C.C.No.2 of 2015 dated 27.01.2016 by allowing the Revision.

For Petitioner	: Mr.Srikanth for M/s.A.PN.Law Associates
For Respondent	: Mr.M.Ramesh

ORDER

This Criminal Revision Petition has been filed against the Judgment passed by the Additional District and Sessions Judge (Fast Track Court) Theni, in C.A.No.8 of 2016 confirming the judgement



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passed in C.C.No.2 of 2015 on the file of the Judicial Magistrate (fast Track Court) at Judicial Magisterial Level, Uthamapalayam, Theni District.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.3,50,000/- from the respondent in order to meet out the medical expenses of his son and daughter, who met with an accident. She also assured to repay the said amount within a week. In order to repay the said amount, she issued a cheque and the same was presented for collection. However, it was returned with an endorsement 'Refer to drawer'. On instruction, it was represented for collection and again, it was returned with an endorsement 'no sufficient funds'. After causing statutory notice, the respondent lodged a private complaint before the Court below.

3.On the side of the respondent, he had examined as P.W.1 and marked Exs.P.1 to P.8. On the side of the petitioner, she has examined herself as D.W.1 and marked Exs.D.1 and D.2.



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4. On perusal of the oral and documentary evidence, the trial

Court found the petitioner guilty for the offence under Section 138 of Negotiable Instrument Act and sentenced her to undergo 3 months Simple Imprisonment and also awarded the cheque amount of Rs.3,50,000/- in default, directed her to serve 1 month further Simple Imprisonment.

5. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.8 of 2016 before the Additional District and Sessions Judge (Fast Track Court) Theni. The Appellate Court also confirmed the order of conviction and sentence imposed by the trial Court. Hence, the present Revision.

6. The learned counsel for the petitioner submitted that at the time of suspending the sentence, the petitioner was directed to deposit a sum of Rs.2,50,000/-. The petitioner also deposited the said amount to the credit of C.C.No.2 of 2015. She also ready to deposit the balance check amount to the respondent herein.

7. Considering the above, the Criminal Revision Case stands allowed and the judgment and conviction dated 27.01.2016 passed by the Judicial Magistrate (fast Track Court) at Judicial Magisterial Level,



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Uthamapalayam, Theni District, in C.C.No.2 of 2015 is hereby set aside on condition that the petitioner shall deposit the balance cheque amount of **Rs.1 lakh on or before 23.07.2023** to the credit of C.C.No.2 of 2015 on the file of the Judicial Magistrate (fast Track Court) at Judicial Magisterial Level, Uthamapalayam, Theni District, and the petitioner is acquitted from all charges. The bail bonds executed by the petitioner also shall stand cancelled.

8.On such deposit being made, the respondent is permitted to withdraw the entire amount by way of filing an application. It is made clear that the petitioner fails to deposit the balance cheque amount, the conviction and sentence imposed by the Court below is hereby restored and the respondent is at liberty to take steps to execute the sentence imposed by the Court below.

02.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
dss



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To

- 1.The Additional District and Sessions Judge (Fast Track Court) Theni,
- 2.The Judicial Magistrate (fast Track Court) at Judicial Magisterial Level, Uthamapalayam, Theni District.



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G.K.ILANTHIRAIYAN, J.

dss

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