

CrI.R.C.(MD) No.35 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**CrI.R.C.(MD)No.35 of 2022
and
CrI.M.P.(MD)No.2265 of 2025**

P.S.A.Rafick Ahamed

... Petitioner/Appellant/Accused

Vs.

P.Karuppasamy(died)

.... Respondent/Respondent/
Complainant

2.Nagammal

3.Kavitha

4.Kalaivani

5.Karthika

(R.2 to R.5 are impleaded as per order of this
Court dated 22.08.2023 in CrI.M.P.(MD)No.
12119 of 2023)

Prayer : This Criminal Revision has been filed under Section 379 and 401 of Criminal Procedure Code, to call for the records against the judgment dated 13.12.2021 made in C.A.NO.145 of 2019, on the file of I Additional District and Sessions Court (PCR), Thanjavur, confirming the judgment dated 14.10.2019 made in S.T.C.No.31 of 2015, on the file of the Judicial Magistrate Court (Fast Track Court), Thanjavur and set aside the same.



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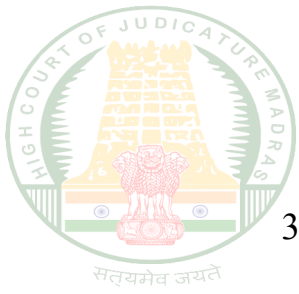
For Petitioner : Mr.K.Althaf Sheriff
for M/s Ajmal Associates

For Respondents : Mr.R.Ilayaraja
for R.2 to R.5
: R.1 died

ORDER

The Criminal Revision is directed against the conviction made in C.A.No.145 of 2019, dated 13.12.2021, on the file of I Additional District and Sessions Court (PCR), Thanjavur, confirming the judgment of conviction made in S.T.C.No.31 of 2015, dated 14.10.2019, on the file of the Judicial Magistrate (Fast Track Court), Thanjavur convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and to pay compensatin of Rs.5,00,000/- within a period of one month from the date of judgment.

2. When the matter is taken up for hearing today, the learned Counsel for the petitioner as well as the respondnet would submit that the parties have entered into compromise and hence, this Court has directed the petitioner to deposit 5% of the agreed amount before the High Court Legal Service Authority of this Bench and the matter was passed over.



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3. When the matter was taken up again, both parties are present. the learned counsel for the petitioner has filed a receipt to show that 5% of the agreed amount of Rs.18,000/- was deposited before the High Court Legal Services Committee, in pursuance of the directions of this Court and he has also filed a petition under Section 147 of the Negotiable Instruments Act.

4. It is seen from the records that pending revision, the sole complainant died and his wife and daughters were impleaded as the respondents 2 to 5.

5. The learned Counsel for the respondents would submit that the respondents 3 to 5 have given power of attorney in favor of their mother – second respondent, for proceeding further. The second respondent would submit that she has received Rs.80,000/- and is receiving the balance amount of Rs.1,55,000/-, apart from the deposit of Rs.1,25,000/- already made by the petitioner.

6. In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the Appellate Court are set aside and the



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accused is acquitted from the charges levelled against him. The second respondent is permitted to withdraw the amount deposited by the petitioner.

Consequently, Crl.M.P.(MD)No.2265 of 2025, is ordered.

19.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate Court (Fast Track Court), Thanjavur.
2. I Additional District and Sessions Court (PCR), Thanjavur.
3. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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ORDER MADE IN
CrI.R.C.(MD)No.35 of 2022

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