

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. No. 1571 of 2008

M.Murugesan .. Petitioner
Versus
R.Rajagopalan .. Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code against the judgment passed by the learned Additional District and Sessions Judge, Fast Track Court No.2, Coimbatore, in Crl.A.No.182 of 2008, dated 12.11.2008, confirming the order passed by the learned Judicial Magistrate No.I, Coimbatore, in C.C.No.970 of 2007, dated 16.06.2008.

For Petitioner : Mr.V.Purushothaman

For Respondent : No Appearance

ORDER

The petitioner/accused is alleged to have borrowed a sum of Rs.70,000/- on 21.04.2005, for which, he has issued a promissory note and also a cheque. When the complainant presented the cheque for collection, it got dishonoured. He was tried by the learned Judicial Magistrate No.I, Coimbatore, in C.C.No.970 of 2007 for the offence under Section 138 of Negotiable Instruments Act and by order dated 16.06.2008, he was convicted for the said offence and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo one month simple imprisonment. Aggrieved by the said order, the petitioner has preferred an appeal in C.A.No.182 of 2008 on the file of the learned Additional District and Sessions Judge, Fast Track Court No.2, Coimbatore. The Appellate Court, by judgment dated 12.11.2008, confirmed the order passed by the Trial Court. Aggrieved by the said judgment, the petitioner has filed the present Criminal Revision Case.

2. This Court, by order dated 18.06.2015, directed the petitioner to take private notice to the respondent/complainant returnable in one week. Accordingly, the private notice was taken and it was served on the respondent, inspite of the same, today, when the matter is taken up, there is no representation on behalf of the respondent. However, the learned counsel appearing for the petitioner/accused has submitted that the amount of Rs.75,000/- has been paid to the respondent/complainant towards full and final settlement in the case under Section 138 of the Negotiable Instruments Act and acknowledging the receipt of the amount, the complainant has signed in the stamped receipt and therefore, as the matter has been settled between the parties, the revision may be allowed, setting aside the judgment of conviction and sentence passed by the Appellate Court.

The learned counsel has also produced the stamped receipt before this Court for payment of Rs.75,000/- to the respondent/complainant towards full and final settlement in the 138 case filed against the petitioner/accused and the receipt has been duly signed by the respondent/complainant.

3. The stamped receipt reads as follows:-

"I, Rajagoplan, have received a sum of Rs.75,000/- as full and final settlement in the 138 case filed by me against Murugesan for which the revision petition is pending in the Hon'ble High Court."

4. Recording the above submission that the matter has been settled between the parties and also the receipt, this Criminal Revision Case is allowed and the judgment of conviction and sentence passed by the Appellate Court, dated 12.11.2008, is set aside.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District and Sessions Judge,
Fast Track Court No.2,
Coimbatore.

2.The Judicial Magistrate No.I,
Coimbatore.

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NM(CO)
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