



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.(MD) No.248 of 2018

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1.M/s.SRM tex, through its Proprietor,
S.Ramanathan, S/o. Subbaiah,
3/15 D&E , Omsakthi Nager,
Aathupalayam North,
Thirumurugan Poondi Post,
Thirupur.

2.S.Ramanathan ...Petitioners/Appellants/Accused

Vs.

M/s.Sami Gargo Care,
Through its Proprieterix,
Smt.P.Nirmala Felicia,
Through her Mandate Holder,
M.Palanikumar,
Bryant Nagar,
7th Street, East,
Thoothukudi.

...Respondent / Respondent
Complainant

PRAYER:Criminal Revision Petition - filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the judgment dated 03.11.2017 in C.A.No.46 of 2016 passed by the learned I Additional District Court, Tuticorin and order dated 27.05.2016 in C.C.No.221 of 2013 passed by the learned Judicial Magistrate, Special Court for land grabbing cases Tuticorin and set aside the same as illegal and allow the above criminal revision petition.

For Petitioner : Mr.S.Malaikani
For Respondent : Mr.A.Abdul Kabur

ORDER

This Criminal Revision Petition is directed against the concurrent finding of the Courts below in the matter arose under Section 138 of Negotiable Instruments Act.

2.Since the revision petitioner herein has failed to honor the cheque drawn for a sum of Rs.2,24,160/- in favour of the complainant / respondent, a private complaint has been initiated against the petitioner by the complainant and the same was ended in convicting the revision petitioner to undergo one year simple imprisonment and directed to pay a sum of Rs.2,24,160/-, the cheque



amount as compensation to the complainant within a period of one month. Aggrieved by that order, an appeal was filed before the First Additional Sessions Judge Tuticorin, in CA.46 of 2016. The appellate Court, after considering the facts of the case, had dismissed the appeal by confirming the order of the trial Court.

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3. After preferring the revision challenging the order of the Courts below, the parties have arrived at settlement. Both complainant as well as the accused are present. An endorsement has also been made in the bundle by both the parties in the presence of their counsel stating that the compensation amount of a sum of Rs.2,24,160/- has been paid by the revision petitioner herein by cash and the same has been received by the complainant / respondent.

4. In view of the settlement arrived at between the parties, the order of the trial court is modified to the effect that the petitioner / accused shall pay a sum of Rs.2,24,160/- as compensation to the respondent / complainant and the sentence of imprisonment imposed on the petitioner alone is set aside.

5. With the above modification, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The First Additional District Judge,
Tuticorin.

2. The Judicial Magistrate,
Special Court for land grabbing cases,
Tuticorin.

+1CC to Mr.S.Malaikani, Advocate, SR.No. 81837

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ES/PM/SAR 3/04.10.2018/2P/4C