



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.[MD]No.563 of 2018

and

Cr.M.P.[MD]No.7901 of 2018

Tamilarasan

: Petitioner

Vs.

Shanthi Vijayakumar

: Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the judgment made in Crl.A.No.5 of 2015 on the file of the learned III Additional District Judge, Tirunelveli dated 17.09.016 whereby the learned Judge confirmed the conviction and sentence imposed by the trial Court i.e., the learned Judicial Magistrate, Valliyoor made in S.T.C.No.2422 of 2011 dated 10.12.2014 and allow the above revision petition.

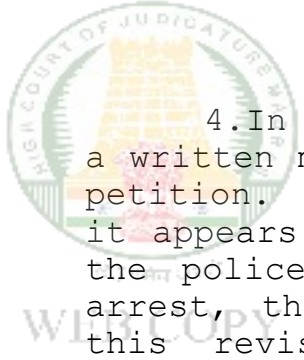
For Petitioner : Mr.S.Mandhiralingeswaran

O R D E R

This Civil Revision Case has been filed against the judgment made in Crl.A.No.5 of 2015 on the file of the learned III Additional District Judge, Tirunelveli dated 17.09.016.

2.Heard the learned Counsel appearing for the revision petitioner.

3.When the matter came up for condoning the delay of 548 days, notice was served to the respondent. The respondent appeared in person and submitted that the revision petitioner herein is her own brother. He received a sum of Rs.3,00,000/- to meet the marriage expenses of the other sister and failed to repay the said amount. The cheque issued to discharge the said debt bounced and therefore, she was forced to file a complaint under Section 138 of the Negotiable Instruments Act. She further submitted that now she has received the cheque amount and that she is not interested in pursuing the matter any further.



4. In addition to the said oral submission, she has also given a written memo to record the compromise and dispose of the revision petition. Before good sense could fall upon the respondent herein, it appears that the revision petitioner herein has been secured by the police and remanded to judicial custody and only after his arrest, the revision petitioner herein has thought fit to prefer this revision, challenging the judgment of the Court below, convicting him.

5. Be that as it may, though, both the Courts below have found that the cheque issued by the revision petitioner herein was pursuant to the discharge of legally enforceable debt and the same has bounced for want of funds, in view of the compromise entered between the parties and the memo filed by the petitioner, this Court, without adverting to the merits of the case disposes of this revision, recording the compromise. Since the parties have entered into compromise, the offence is compounded.

6. The revision petitioner is now in judicial custody in Central Prison, Palayamkottai, pursuant to the sentence imposed by the learned Judicial Magistrate, Valliyoor in S.T.C.No.2422 of 2011 dated 10.12.2014.

7. Accordingly, the Criminal Revision Case is allowed and the conviction sentence imposed by the learned Judicial Magistrate, Valliyoor, in S.T.C.No.2422 of 2011 dated 10.12.2014, confirmed by learned III Additional District Judge, Tirunelveli vide judgment in CrI.A.No.5 of 2015 dated 17.09.016 are hereby set aside and the accused is acquitted of all the charges levelled against him. The accused is directed to be released forthwith, unless he is required in any other case. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The III Additional District Judge,
Tirunelveli.

2. The Judicial Magistrate,
Valliyoor.

3. The Superintendent,
Central Prison, Pallayamkottai.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO Mr.S.Mandhiralingeswaran, ADVOCATE IN SR.NO.88893.

MR

DS SKN SAR-4 10.10.2018 3P/6C

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