

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.399 of 2019
and
Crl.MP.No.6356 of 2019

K.R.Rajeshwari
D/o.Ramasamy

.... Petitioner / Accused

-Vs-

Chokkesan
S/o.Perumal

.... Respondent / Complainant

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to call for the records and set aside the judgment dated 28.02.2019 in Criminal Appeal No.12 of 2017 on the file of the learned III Additional Sessions Judge, Vellore at Thirupathur reversing the judgment dated 15.12.2010 in C.C.No.17 of 2009 on the file of the Judicial Magistrate No.I, Thirupathur, Vellore District.

For Petitioner : Mrs.AL.Ganthimathi

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision has been filed to call for the records and set aside the judgment dated 28.02.2019 in Criminal Appeal No.12 of 2017 on the file of the learned III Additional Sessions Court, Vellore at Thirupathur reversed the judgment dated 15.12.2010 in C.C.No.17 of 2009 on the file of the Judicial Magistrate Court No.I, Thirupathur, Vellore District.

2. For the sake of convenience, the petitioner and the respondent will be referred to as the accused and the complainant.

3. It is the case of the prosecution that on 03.01.2003, the accused had borrowed a sum of Rs.2,50,000/- promising to return the amount with interest. Towards principal and interest, the accused issued two cheques amounting to Rs.2,65,000/-, which were dishonoured when presented by the complainant. After

issuing statutory notice, the complainant initiated a prosecution in C.C.No.17 of 2009 before the Judicial Magistrate No.I, Tirupathur, in which, the accused was acquitted on 15.12.2010 under section 138 of the Negotiable Instruments Act. Challenging the acquittal, the complainant filed CrI.A.No.12 of 2017, in which, III Additional Sessions Judge, Vellore at Tirupattur has reversed the acquittal and convicted and sentenced the accused. Challenging the order passed by the Appellate Court, the accused has filed the present revision petition.

4. Today, when the matter is taken up for hearing, the complainant and the accused are present with their respective counsel before this Court and submitted that they have arrived at a compromise and also produced the compromise agreement dated 17.06.2019, under which, the complainant has agreed to settle the matter for a sum of Rs.2,00,000/-.

5. The accused has already paid a sum of Rs.10,000/- in cash and today, he handed over a demand draft bearing No.611123 dated 15.07.2019 for a sum of Rs.1,90,000/- in favour of the complainant.

6. In view of the above, this Criminal Revision case is allowed and the order dated 28.02.2019 passed by III Additional Sessions Judge, Vellore at Thirupattur is set aside. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charges. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

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To

Sub Assistant Registrar

1. III Additional Sessions Judge,
Vellore at Thirupathur.

2. The Judicial Magistrate No.1
Thirupathur, Vellore District.

copy to: The Section Officer,
Criminal Section, High Court, Madras.

+1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.61058

CrI.RC.No.399 of 2019

NMI (CO)
SSM(13/08/2019) .