



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 27.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO.249 of 2015

L.Sudalai

.. Petitioner/Appellant/Accused

- Vs -

M/s.Gokulam Chits Finance Co., Pvt. Ltd.,
Represented by its Authorised Agent
R.Robinson

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed u/s 397 & 401 of the Code of Criminal Procedure, against the judgment of conviction passed by the learned IV Additional District and Sessions Judge, Tirunelveli District and made in Crl.Appeal No.68 of 2013 dated 03.06.2015, by confirming the judgment dated 30.09.2013 in S.T.C.No.234 of 2011 on the file of the Judicial Magistrate No.IV, Tirunelveli.

For Petitioner : Mr.A.Siva Subramanian
For Respondent : Mr.H.Arumugam

O R D E R

The revision is filed against the judgment of conviction passed by the learned IV Additional District and Sessions Judge, Tirunelveli District and made in Crl.Appeal No.68 of 2013 dated 03.06.2015, confirming the judgment dated 30.09.2013 in S.T.C.No.234 of 2011 on the file of the Judicial Magistrate No.IV, Tirunelveli.

2. When the matter is taken up for hearing, both parties and their respective counsels are present before this Court. The learned counsels appearing for the parties would submit that the entire cheque amount has been settled and to that effect, a joint compromise memo dated 27.11.2019 has been filed signed by parties and attested by the learned counsels.

3. In the joint compromise memo, it is stated that in view of the payment of cheque amount, the respondent has no objection to set aside the judgment of conviction. The said compromise memo is placed on record.

4. The joint compromise memo is extracted hereunder:

'The above Criminal Revision Petition has been
filed challenging the judgment passed in



S.T.C.No.234/11 dated 30.09.2013 on the file of the Judicial Magistrate - IV, Tirunelveli convicting the petitioner to undergo six months simple imprisonment and as well as direction to pay the cheque amount of Rs.6,20,115/- as compensation, which was confirmed in C.A.No.68 of 2013 on 03.06.2015 by the 4th Additional District and Sessions Judge, Tirunelveli.

2. The Revision Petitioner/Accused has paid the compensation of Rs.6,20,115/- as ordered in the impugned judgment through two Demand Drafts No.74457 dated 01.11.2019 drawn in Indian Overseas Bank, Tirunelveli, to a sum of Rs.4,50,000/- and Demand Draft No.744572 dated 02.12.2019 drawn in Indian Overseas Bank, Tirunelveli to a sum of Rs.1,70,115/-. The respondent has received the same.

3. In view of the payment of cheque amount the respondent has no objection to set aside the order of conviction, by making it clear that the rights of the respondent to recover the amount due towards interest and other transactions of mortgage will not in any way affect and the respondent is at liberty to work its right in accordance with law".

5. In view of the above, the judgment of conviction passed by the learned IV Additional District and Sessions Judge, Tirunelveli District in Crl.Appeal No.68 of 2013 dated 03.06.2015, confirming the judgment dated 30.09.2013 in S.T.C.No.234 of 2011 on the file of the Judicial Magistrate No.IV, Tirunelveli, is hereby set aside and the petitioner herein is acquitted from all the charges.

6. It is represented by the learned counsel for the petitioner that already he has paid a fine of Rs.35,000/- before the lower Appellate Court and he may be permitted to withdraw the said amount, for which, the learned counsel appearing for the respondent submitted that he has no objection. In view of the same, the petitioner is permitted to file an appropriate application before the concerned court for withdrawal of fine amount. On filing of such application, the lower Appellate Court is directed to refund the fine amount to the revision petitioner.

7. In the result, this criminal revision is allowed.

Sd/-

Assistant Registrar(Crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



CM

To

1.The IV Additional District and Sessions Judge,
Tirunelveli District

2.The Judicial Magistrate No.IV, Tirunelveli.

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

COPY TO

The Section Officer,Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-102046[F] dated 28/11/2019)

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-102255[F] dated
28/11/2019)

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27.11.2019

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