



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C.[MD]No.662 of 2018

and

CRL.M.P.[MD]No.10087 of 2019

B.Shanthi

.. Petitioner

- Vs -

Sundareswari

.. Respondent

PRAYER: Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, praying to call for the records pertaining to the order in C.A.No.06 of 2015 before the IV Additional District and Sessions Judge, Tirunelveli dated 12.10.2018 in S.T.C.No.777 of 2011 on the file of the Judicial Magistrate Court No.IV, Tirunelveli dated 16.12.2014 and set aside the same.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.S.P.Maharajan

ORDER

This revision petition is preferred against the order in C.A.No.6 of 2015 before the IV Additional District and Sessions Judge, Tirunelveli, dated 12.10.2018.

2.Today, when the matter is taken up for hearing, the learned Counsel for the petitioner would submit that the matter has been settled between the parties. The terms of the settlement have been reduced in a joint memo filed on behalf of the parties dated 29.11.2019. The terms of the settlement are extracted hereunder:

"It is submitted that this revision petitioner filed the revision against the concurrent findings of the Trial Court as well as Appellate Court against holding the Revision Petitioner guilty under Sec.138 of Negotiable Instrument Act for the non-payment of cheque amount a sum of Rs.3,00,000/- and sentencing her an imprisonment of six months and directed her to pay a compensation of Rs.3 Lakhs.

2.That the petitioner had deposited the amount of Rs.60,000/- in the Learned Judicial Magistrate, No.IV, Tirunelveli District in S.T.C. No.777 of 2011 as per the order of this Hon'ble Court on 29.08.2019 in Crl.M.P.[MD]Nos.10770 and 10771 of 2018 and the petitioner has no objection to the respondent for withdrawal of the above said amount.



3. On 20.11.2019, the Respondent's Counsel had received the amount of Rs.1,00,000/- by cash from the petitioner and on 28.11.2019 the rest of the amount of Rs.1,40,000/- was received by the counsel for respondent, hence the entire cheque amount of Rs.3 lakhs was paid and settled to the respondent."

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3. It is represented by the learned Counsel for the respondent that already Rs.60,000/- is lying in deposit to the credit of the learned Judicial Magistrate No.IV, Tirunelveli and the complainant may be permitted to withdraw the same. The complainant shall move the appropriate Court for withdrawing the amount as the revision petitioner has no objection to withdraw the same. On such application being made, the appropriate Court may grant permission to the complainant to withdraw the same. Since the cheque was received by the accused as early as in the year 2011, this Court deems it fit for imposition of cost. Therefore, a cost of Rs.15,000/- is imposed on the revision petitioner which shall be paid to the complainant within a period of four [4] weeks from the date of receipt of a copy of this order.

4. In view of the settlement arrived at between the parties, the Criminal Revision Case is allowed and the conviction and sentence imposed by the learned Judicial Magistrate No.IV, Tirunelveli, in S.T.C.No.777 of 2011 dated 16.12.2014, confirmed by the learned IV Additional District and Sessions Judge, Tirunelveli, in C.A.No.6 of 2015 dated 12.10.2018 stands set aside and the revision petitioner is acquitted of all charges. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

Encl:Xerox Copy of Joint Memo.

MR

To

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

2.The Judicial Magistrate No.IV,
Tirunelveli.

+1CC TO MR.S.P.MAHARAJAN, ADVOCATE, SR NO.102863

+1CC TO MR.T.LAJAPATHI ROY, ADVOCATE, SR NO.103348

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29.11.2019

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