



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.R.C. (MD)No.257 of 2016

and

Crl.M.P. (MD)Nos.3418 of 2016 and 3281 of 2018

WEB COPY

M.Senthilkumar

... Revision Petitioner/Accused

versus

S.Periyasamy

... Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. against the Judgment dated 09.03.2015 made in C.A.No.82 of 2016 on the file of Mahilir Neethi Mandram (Fast Track Mahila Court) (learned Sessions Judge), Karur.

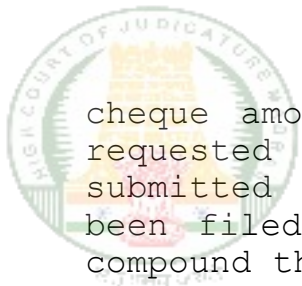
For Petitioner : Mr.E.K.Kumaresan
For Respondent : Mr.P.Dhanasekaran

ORDER

The petitioner is the accused in C.C.No.35 of 2014 on the file of the Judicial Magistrate, Fast Track Court, Karur. The respondent herein is the complainant.

2. Originally, the petitioner/accused borrowed a sum of Rs.7 lakhs from the complainant for his business purpose and on 25.08.2013, he issued a cheque for a sum of Rs.7 lakhs for discharge of enforceable debt. But, the said cheque was returned as "insufficient funds". Therefore, the complainant, after following the statutory requirements under Negotiable Instruments Act, filed a complaint as against the petitioner before the learned Judicial Magistrate, Fast Track Court, Karur. On 13.05.2015, the learned Judicial Magistrate, Fast Track Court, Karur, after enquiry, found the petitioner/accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and convicted and sentenced him to undergo simple imprisonment for six months. Aggrieved over the same, an appeal in C.A.No.82 of 2015 was preferred by the accused before the Fast Track Mahila Court (learned Sessions Judge), Karur. The Appellate Court, by Judgment dated 09.03.2016, partly allowed the appeal, modifying the sentence to undergo simple imprisonment for three months. Challenging the same, the present Criminal Revision Case has been filed by the accused.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that during the pendency of this revision case, the matter was amicably settled between the parties and the petitioner has also settled the entire



cheque amount to the respondent. Therefore, the learned counsel requested this Court to compound the offence. It is further submitted that a petition in Crl.M.P.(MD)No.3281 of 2018 has also been filed by the petitioner seeking permission of this Court to compound the offence imposed against him.

WEB COPY

4.The learned counsel appearing for the respondent/complainant also admitted the fact that the cheque amount was settled by the petitioner to the respondent/complainant. Learned counsel has also agreed for compounding the offence.

5. In view of the fact that the cheque amount has been settled by the petitioner/accused, the petition in Crl.M.P.(MD)No. 3281 of 2018 filed before this Court under Section 147 of the Negotiable Instruments Act is allowed and the offence levelled against the petitioner is compounded.

6. Accordingly, this Criminal Revision Case is allowed and the conviction and sentence imposed on the petitioner by the Courts below is hereby set aside and the petitioner/accused is acquitted from the charge levelled against him. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Copy to:

- 1.The Mahalir Neethi Mandram,
(Fast Track Mahila Court), Karur.
- 2.The Judicial Magistrate,
Fast Track Court at Magistrate level, Karur.
- 3.The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Crl.R.C. (MD)No.257 of 2016**28.07.2020**