



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.R.C. (MD)No.259 of 2016

and

CrI.M.P. (MD)Nos.3420 of 2016 and 3282 of 2018

WEB COPY

M.Senthilkumar

... Petitioner/Accused

versus

P.Ramalingam

... Respondent/Complainant

This Criminal Revision case filed under Section 397 r/w 401 of Cr.Pc to prefer the revision against the Judgment of conviction and sentence to undergo three months simple imprisonment imposed by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.81 of 2015 dated 09.03.2016 modifying the conviction and sentence imposed upon the revision petitioner by the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, in Calendar Case No.560 of 2013 dated 12.05.2015 by convicting and sentencing the revision petitioner/accused to undergo six months simple Imprisonment under Section 138 of Negotiable Instruments Act and set aside the same.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.P.Dhanasekaran

ORDER

The petitioner is the accused in C.C.No.560 of 2013 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.5.50 lakhs from the complainant for his business purpose and on 25.07.2013, he issued a cheque for a sum of Rs.6 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 12.05.2015, 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.81 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.3282 of 2018 has also been filed by the petitioner seeking permission of this Court to compound the offence imposed against him.

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. 3282 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 (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

- 1.The Sessions Judge, Fast Track Mahila Court, Karur.
- 2.The Judicial Magistrate (FTC), Karur.

Crl.R.C. (MD)No.259 of 2016

28.07.2020

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