



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.R.C(MD) .No.630 of 2017

and

Crl.M.P(MD) .No.7134 of 2017

WEB COPY

M.Chellampillai

... Petitioner/Accused

Vs

M/s.Arthi Credit

A Registered Partnership Firm

Rep., by its Managing Partnership

C.Sivasamy

... Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records relating to the judgment dated 13.07.2016 made in C.A.No.37 of 2015 on the file of the Mahila Court/Sessions, Karur confirming the conviction of the petitioner under Section 138 of the Negotiable Instrument Act and modifying the sentence into 3 months simple imprisonment from the simple imprisonment of 6 months imposed by the Fast Track Court at Magisterial Level of Karur by his judgment of conviction and sentence dated 06.06.2015 made in C.c.No.342 of 2014, allow this criminal revision case.

For Petitioner

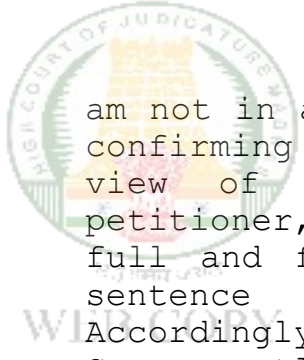
: Mr.V.Janakiramulu

ORDER

Heard the learned counsel appearing for the revision petitioner. Though the respondent/complainant has been served and his name is printed in the caust-list, there is no appearance on their behalf.

2.The revision petitioner was prosecuted for the offence under Section 138 of the Negotiable Instrument Act. It ended conviction and sentenced. The same was also confirmed in appeal. During the pendency of the revision case, the matter has been amicably settled.

3.The learned counsel for the accused states that a sum of Rs.2,10,000/- was paid by the petitioner to Arthi Credit on 13.03.2017, 17.06.2017 and 24.05.2017 and receipts have also been duly obtained. The learned counsel for the petitioner has filed the typed set of papers and it is seen from the endorsement that the amount paid by the revision petitioner has been accepted towards full and final settlement of the claims of the complainant. But, unfortunately, complainant is not before this Court. Therefore, I



am not in a position to compound the offence. However, even while confirming the conviction imposed on the revision petitioner, in view of the subsequent developments shown by the revision petitioner, namely the payment of sum of Rs.2,10,000/- towards the full and final settlement of the claims of the complainant, the sentence imposed on the revision petitioner is set aside. Accordingly, this Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is closed.

4.It is made clear that, the out come of the revision case will not operate as disqualification or to the prejudice of the revision petitioner in respect of his right as pensioner.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

rmk

To

1.The Sessions Judge,
Mahila Court, Karur.

2.The Judicial Magistrate,
Fast Track Court,
Karur.

+1cc to Mr.V.Janakiramulu, Advocate Sr.No.25841

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