



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.127 of 2021

and

Crl.M.P.Nos.2463 and 4974 of 2021

R.Thirumavalavan

... Petitioner/Accused

vs.

P.Sivaji

...Respondent/Complainant

PRAYER : Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., to set aside the Judgment and Sentence dated 23.01.2021 in C.A.No.60 of 2019 on the file of the III Additional Sessions Judge, Villupuram @ Kallakurichi, confirming the Judgment and Sentence dated 31.07.2019 in C.C.No.140 of 2017 on the file of the Judicial Magistrate/Fast Track Court, Kallakurichi.

For Petitioner : Mr.K.Selvaraj

For Respondent : Ms.T.Anusuya

O R D E R

This Criminal Revision Case has been filed to set aside the Judgment and Sentence dated 23.01.2021 in C.A.No.60 of 2019 on the file of the III Additional Sessions Judge, Villupuram @ Kallakurichi, confirming the Judgment and Sentence dated 31.07.2019 in C.C.No.140 of 2017 on the file of the Judicial Magistrate/Fast Track Court, Kallakurichi.

2. The petitioner is the accused and the respondent is the complainant. The respondent/complainant filed a private complaint for the offence under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.140 of 2017 on the file of the Judicial Magistrate, (Fast Track Level), Kallakurichi.

3. Learned Judicial Magistrate, (Fast Track Level), Kallakurichi, after enquiry, convicted the accused and also sentenced to undergo 1 year simple imprisonment. Challenging the said judgment of conviction and sentence, the petitioner has filed criminal appeal in Crl.A.No.60 of 2019 before the III Additional Sessions Judge, Villupuram @ Kallakurichi and the learned III Additional Sessions Judge, Villupuram at



Kallakurichi, after hearing the appeal in Crl.A.No.60 of 2019, dismissed the same and confirmed the judgment of conviction and sentence. Challenging the said judgment of dismissal of the appeal, the petitioner has filed the present revision before this Court.

4. Learned counsel for both the parties would submit that both the parties have settled the matter amicably and they have filed a Joint Memo of Compromise and this Court directed the petitioner to pay 15% of the cheque amount by way of cost and the petitioner also complied with the said order and also produced a copy of the same.

5. The offence under Section 138 of the Negotiable Instruments Act, 1881, is the compoundable offence. It can be compounded at any stage. When the matter is pending before this Court, the parties have entered into a compromise and also paid 15% of the amount as cost. Therefore, the offence is compounded. The petitioner counsel filed a letter dated 26.04.2021 to the Registrar General, stating that the parties entered into compromise and prayed for compounding the offence. The petitioner deposited Rs.3,600/- on the file of this Court and proof of such payment is also annexed with the above said letter. Therefore, the judgment of conviction and sentence passed by the Magistrate, is aside.

6. Accordingly, the criminal revision case is allowed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dm

To

1. The III Additional Sessions Judge,
Villupuram @ Kallakurichi.
2. The Judicial Magistrate/Fast Court,
Kallakurichi.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.25930

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PA(CO)
CT/26/07/2021