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Crl.R.C.No.48 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.R.C.No.48 of 2021 and
CRL.M.P.No.762 and 763 of 2021**

R.Santhosam

... Petitioner

Vs.

N.S.Ravikumar

.. Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C against the judgment of the learned Additional District & Sessions Judge Namakkal, Namakkal District in C.A.No.38 of 2020 by an order dated 08.12.2020, conforming the judgment of the learned Judicial Magistrate No.1, Namakkal in C.C.No.93 of 2017 by an order dated 23.01.2020 for the offence under Section 138 of N.I.Act, sentencing one year SI and compensation of Rs.40,000/- under Section 357(3) CrI.P.C.

For petitioner : Mr.C.Balasubramaniam

For respondent : Mr.K.S.Saravanan



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ORDER

This Criminal Revision Petition has been filed challenging the judgment of the learned Additional District & Sessions Judge Namakkal, Namakkal District in C.A.No.38 of 2020 by an order dated 08.12.2020, confirming the judgment of the learned Judicial Magistrate No.1, Namakkal in C.C.No.93 of 2017 by an order dated 23.01.2020.

2. The petitioner is the accused in C.C.No.93 of 2017 on the file of the Judicial Magistrate No.1, Namakkal and he was convicted for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and to pay sum of Rs.4,00,000/- as compensation to the complainant. Challenging the above judgment of conviction and sentence, he preferred an appeal in Crl.A.No.38 of 2020 on the file of the learned Additional District and Sessions Judge, Namakkal. The first Appellate Court, vide judgment dated 8.12.2020, has confirmed the judgment of the Trial Court. Therefore, the petitioner has filed the present Criminal Revision Petition.



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3. Today, when the matter is taken up for hearing, both the learned counsel for the petitioner as well as the respondent informed that, a settlement has been reached between the parties and the matter has been compromised between the petitioner/accused and the respondent/ complainant. To that effect, a memo dated 16.09.2022 has also been filed by the counsel for the petitioner/accused, along with the agreement dated 19.04.2021, entered into between the parties. In the above agreement, the complainant agreed that, she received entire cheque amount and gave consent to dispose the Revision Petition, as the matter is settled between the parties by compromise. Hence, it is prayed to set aside the conviction and sentence rendered by the Trial Court and confirmed by the first Appellate Court.

4. The learned counsel appearing for the respondent/complainant has also made an endorsement that, pending revision petition, the respondent/complainant received the entire cheque amount.



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5. The Memo dated 16.09.2022 filed by the petitioner along with agreement dated 19.04.2021 entered into between the parties is recorded.

6. Under such circumstances, no useful purpose will be served in keeping the Criminal Revision Case pending and hence, this Court is inclined to allow the Criminal Revision Petition.

7. Accordingly, the Criminal Revision Petition is allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.C.No.93 of 2017 on the file of the Judicial Magistrate No.1, Namakkal, Namakkal District, shall stand compounded under Section 147 of Negotiable Instruments Act and the petitioner/accused shall stand acquitted of all the charges framed against her.

05.12.2022

Index:Yes/No
mst



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To

1. The Judicial Magistrate No.1,
Namakkal, Namakkal District.
2. The Additional District and Sessions Judge,
Namakkal.



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V.SIVAGNANAM, J.
mst

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