



Crl.R.C.No.332 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.332 of 2022

Josepheena

... Petitioner

Vs.

K.Rajasekaran

.. Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C to set aside the judgment dated 10.02.2022 in Crl.A.No.67 of 2021, on the file of the I Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence in the judgment dated 03.02.2021 made in C.C.No.352 of 2017 on the file of the Judicial Magistrate, Fast Track Court-I, Coimbatore.

For petitioner : Mr.W.Camyles Gandhi

For respondent : Mr.C.Ramaraj



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ORDER

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This Criminal Revision Petition has been filed to set aside the judgment dated 10.02.2022 in Crl.A.No.67 of 2021, on the file of the I Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence in the judgment dated 03.02.2021 made in C.C.No.352 of 2017 on the file of the Judicial Magistrate, Fast Track Court-I, Coimbatore.

2. The petitioner is the accused in C.C.No.352 of 2017 on the file of the Judicial Magistrate, Fast Track Court-I, Coimbatore and she was convicted for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also to pay sum of Rs.1,50,000/- as compensation, as per Section 357(3) Cr.P.C. to the de-facto complainant, within two months from the date of judgment, in default, to undergo two months simple imprisonment. Challenging the above judgment of conviction and sentence, she preferred an appeal in Crl.A.No.67 of 2021 on the file of the learned I Additional District and Sessions Judge, Coimbatore. The lower Appellate Court, vide judgment dated 10.02.2022, has confirmed



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the judgment of the Trial Court. Therefore, the petitioner has filed the present Criminal Revision Petition.

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 01.12.2022 has also been filed by the counsel for the petitioner/accused.

4. It is seen from the records that the respondent/complainant preferred a complaint under Section 138 of Negotiable Instruments Act against the petitioner herein before the Trial Court, since two cheques bearing Nos.257542 and 257547 for Rs.1,00,000/- and Rs.50,000/- respectively dated 05.07.2014, drawn on IDBI Bank, Trichy Road Branch, given by the petitioner for repayment of hand loan, were dishonored.



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5. A perusal of the memo dated 01.12.2022, shows that during the Appeal proceedings pending before the lower appellate Court, the petitioner herein deposited a sum of Rs.30,000/- before the Trial Court and enjoyed the benefit of suspension of sentence. Further, it is stated in the memo that this Court granted suspension of sentence (Crl.M.P.No.3497 and 3498 of 2022 dated 21.03.2022) with a precondition to deposit a sum of Rs.50,000/- before the Lower Court and the same was duly complied with by the petitioner. It is also stated in the memo that for the remaining cheque amount viz. Rs.70,000/-, the petitioner handed over two demand drafts dated 30.11.2022 i.e. D.D.No.639116 for Rs.40,000/- and D.D. No.639117 for Rs.30,000/- to the counsel for the respondent on 01.12.2022 and the petitioner has not raised any objection to withdraw the amount of Rs.80,000/-, by the respondent/complainant, which was already deposited in the Trial Court by the petitioner. In this regard, the learned counsel appearing for the respondent/complainant has also made an endorsement that the Revision Petition may be allowed and entire amount received. .



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6. Under such circumstances, no useful purpose will be served in keeping the Criminal Revision Case pending and hence, the same is allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.C.No.352 of 2017 on the file of the Judicial Magistrate, Fast Track Court-I, Coimbatore, shall stand compounded under Section 147 of Negotiable Instruments Act and the petitioner/accused shall stand acquitted of all the charges framed against her. The respondent/complainant is permitted to withdraw the deposited amount of Rs.80,000/- from the Trial Court, by following due process of law. The memo shall form part of the order.

05.12.2022

Index:Yes/No
mst

To

1. I Additional District and Sessions Judge, Coimbatore.
2. Judicial Magistrate, Fast Track Court-I, Coimbatore.



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V.SIVAGNANAM, J.
mst

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