



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.RC.No.1699 of 2016

K.S.Sakthivel

...Petitioner/Accused

Vs.

Kulandaivel

...Respondent/Complainant

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the conviction imposed in the judgment order dated 03.12.2016 made in C.A.No.89 of 2016 on the file of the I Additional District & Sessions Judge, Erode, confirming the conviction imposed in judgment dated 04.04.2016 made in STC.No.673 of 2010 on the file of the District Munsif-cum-Judicial Magistrate Kodumai, sentencing the accused to undergo Simple Imprisonment for a period of six months and also awarded compensation of Rs.1,30,000/- under Section 357 (3) of Cr.P.C., and in default of payment of compensation to undergo Simple Imprisonment for a period of three months by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.D.Prasanna
for M/s.Giridhar & Sai

O R D E R

This petition has been filed to set aside the conviction imposed in the judgment dated 03.12.2016 in C.A.No.89 of 2016 by the I Additional District & Sessions Judge, Erode, confirming the conviction imposed in the judgment dated 04.04.2016 in STC.No.673 of 2010 on the file of the District Munsif-cum-Judicial Magistrate Kodumai and sentencing the accused to undergo Simple Imprisonment for a period of six months and also awarded compensation of Rs.1,30,000/- under Section 357 (3) of Cr.P.C., and in default of payment of compensation to undergo Simple Imprisonment for a period of three months, by allowing this Criminal Revision Petition.



2. The petitioner/accused was prosecuted under Section 138 of the Negotiable Instrument Act by the respondent/complainant in STC.No.673 of 2010 and he was convicted by the District Munsif-Cum-Judicial Magistrate, Kodumudi on 04.04.2016 and sentenced him to undergo Rigorous Imprisonment for a period of 6 months and to pay a fine amount of Rs.1,30,000/- as compensation within a period of three months. Aggrieved against the same, petitioner filed an appeal before the I Additional District and Sessions Judge, Erode, in C.A.No.89 of 2016. The Sessions Judge, by judgment dated 03.12.2016 dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he had filed the present Revision.

3. When the matter came up for hearing on 22.01.2020, this Court directed the petitioner to deposit a sum of Rs.1,00,000/- to the credit of STC.No.673 of 2010 before the District Munsif-cum-Judicial Magistrate, Kodumudi and in compliance of the said order, the petitioner had deposited the said amount on 10.02.2020 and a copy of the receipt No.092479 also produced before this Court.

4. The learned counsel for the petitioner submitted that the cheque was issued towards security for the purpose of maize valued Rs.30,000/- and the respondent inserted numeral '1' before the the said amount and insisting for payment of Rs.1,30,000/-. Now, the petitioner ignored the same not contesting and ready to settle the cheque amount to give quietus to the case pending against him and the respondent is also willing to accept the same. The sum of Rs.1,00,000/- already deposited before the trial Court in STC.No.673 of 2010 demand draft bearing D.D.No.211652 dated 07.03.2022 drawn on Canara Bank, Ambattur Branch, for the balance amount of Rs.30,000/- is handed over to the counsel.

5. The learned counsel for the respondent admit about receipt of Rs.30,000/-, which is handed over to the respondent/complainant. Though the respondent/complainant initially accepted the compromise for a sum of Rs.1,30,000/-, considering the fact that the case has been pending for a very long time from the year 2016, he sought interest to be paid to him.

6. In reply, the learned counsel for the petitioner submitted that he already with great difficulty mobilized the amount of Rs.1,30,000/-.

7. The learned counsel for the respondent later agreed for the compromise amount of Rs.1,30,000/- and requested that the respondent/complainant may be permitted to withdraw Rs.1,00,000/- lying in the credit of STC.No.673 of 2010. The learned counsel for the petitioner submitted that he has no objection for respondent receiving Rs.1,00,000/-, deposited in the trial Court. He further submitted that the



said amount may handed over to the respondent dispensing notice to the petitioner.

8. On a perusal of the materials, it is seen that amicable settlement and compromise arrived between the petitioner and the respondent for a sum of Rs.1,30,000/-, the respondent already received a sum of Rs.30,000/- by way of Demand Draft and now he is permitted to withdraw Rs.1,00,000/-, which is lying to the credit of STC.No.673 of 2010. In view of the same, the District Munsif-cum-Judicial Magistrate, Kodumudi shall hand over Rs.1,00,000/- to the respondent/complainant on filing of appropriate petition and the notice to the petitioner/accused is dispensed with.

9. With the above directions, this Criminal Revision Petition is disposed of. Further, the conviction and sentence imposed on the accused by the trial Court, confirmed by the Lower Appellate Court are set aside. In the result, the petitioner is acquitted of all charges.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dna

To

1.I Additional District & Sessions Judge,
Erode.

2.The District Munsif-cum-Judicial Magistrate,
Kodumai.

3.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.Giridhar & Sai, Advocate SR. No.15628

Cr1.R.C.No.1699 of 2016

NRL (CO)
PR (01/04/2022)