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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.R.C.No.575 of 2018

Pappanna

... Petitioner/Accused

Vs.

C.Govindhachari

... Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the judgment dated 20.02.2018 in C.A.No.36 of 2017 passed by the Principal Sessions Judge, Krishnagiri, confirming the judgment dated 31.07.2017 in S.T.C.No.103 of 2016 passed by the Judicial Magistrate, Fast Track Court, Hosur convicting the petitioner for an offence under Section 138 of the Negotiable Instruments Act, sentencing him to undergo rigorous imprisonment for a period of 1 year and ordering the petitioner to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for one month and set aside the same.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.E.Kannadasan

ORDER

The petitioner/accused was convicted in S.T.C.No.103 of 2016 for the offence under Section 138 of Negotiable Instruments Act, by the learned Judicial Magistrate, Fast Track Court, Hosur, by judgment dated 31.07.2017 and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo one month simple imprisonment. Against which, the petitioner filed an appeal in C.A.No.36 of 2017, the learned Principal Sessions Judge, Krishnagiri by judgment dated 20.02.2018 dismissed the appeal confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Hosur. Against which, the present revision petition is filed.

2.The contention of the petitioner is that the petitioner and the respondent were known to each other for the past several



years, for some urgent family expenses the petitioner approached the respondent/complainant, borrowed a sum of Rs.2,25,000/- and as security, the petitioner issued two cheques to the respondent/complainant. In the meanwhile, the petitioner made some payments and dispute arose between them in accounting the same. Thereafter, the respondent/complainant filed a case demanding the entire loan amount of Rs.2,25,000/-. He further submitted that the Trial Court failed to consider these facts and convicted the petitioner which was confirmed by the Lower Appellate Court. Further, when the petitioner filed a revision before this Court, he was directed to deposit a sum of Rs.1,50,000/- which the petitioner deposited in three instalments of Rs.50,000/- each to the credit of S.T.C.No.103 of 2016 before the learned Judicial Magistrate, Fast Track Court, Hosur in Receipt No.193826 dated 24.07.2018, No.193827 dated 03.08.2018 and No.193828 dated 11.08.2018. Thereafter, at the intervention of their common friends, now the issue got resolved, the petitioner paid the balance amount of Rs.75,000/- in cash which was received by the respondent and now the petitioner settled the entire cheque amount to the respondent. Further, the learned counsel for the petitioner produced a joint compromise memo filed by the petitioner and the respondent, both the petitioner and the respondent were identified by Mr.J.Abdul Rahim, Advocate, Enrol.No.MS2502/10.

3.The learned counsel for the respondent admits about the joint compromise memo and further submitted that the entire amount of Rs.2,25,000/- was settled by the petitioner.

4.The learned counsel for the petitioner further submitted that the petitioner had no objection for the respondent to withdraw Rs.1,50,000/- which was deposited into the credit of S.T.C.No.103 of 2016 before the learned Judicial Magistrate, Fast Track Court, Hosur.

5.The learned counsel for the respondent submits that in view of the petitioner having no objection, the Trial Court can return the amount of Rs.1,50,000/- to the respondent without any further notice to the petitioner to avoid delay.

6.Considering the submissions made and on perusal of the materials, it is seen that the petitioner and the respondent resolved the issue in between them, the petitioner has got no objection to hand over the amount of Rs.1,50,000/- to the respondent deposited to the credit of S.T.C.No.103 of 2016 before the learned Judicial Magistrate, Fast Track Court, Hosur, this Court accepts the joint compromise entered into between the parties and inclined to set aside the conviction of the petitioner. Accordingly, the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track



Court, Hosur is hereby set aside. The Trial Court is directed to hand over Rs.1,50,000/- to the respondent/complainant dispensing with the notice to the petitioner.

7.In the result, the criminal revision petition is allowed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Judicial Magistrate,
Fast Track Court, Hosur.

2.The Principal Sessions Judge,
Krishnagiri.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Balamurugan, Advocate, S.R.No.14267

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.14461

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SJ(CO)

CT/04/03/2022