

**Crl.R.C.No.840 of 2022
and Crl.M.P.Nos.8530 and 8535 of 2022**

D.BHARATHA CHAKRAVARTHY, J.

This matter is listed under the caption "for being mentioned".

2. By an order, dated 12.07.2022, in this matter, this Court ordered compounding of offence under Section 138 of Negotiable Instruments Act, 1881 on the basis of a joint memo of compromise of the parties. But, the learned Counsel for the petitioner submits that while passing the order, this Court had omitted to pass an order regarding the refund of an amount of Rs.1,80,000/- which is deposited on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.218 of 2016 which has to be paid out to the petitioner/accused, *Thakshnamurthy*. I am of the view that this is a bonafide mistake which can be corrected by way of an order upon being mentioned.

3. Therefore, after paragraph No.3(ii), the following paragraph may be added as paragraph No.3(iii):-

"The petitioner/accused, *Thakshnamurthy*, shall be entitled for a sum of Rs.1,80,000/- lying to the credit of C.C.No.218 of 2016 on the file of

the learned Judicial Magistrate, Fast Track Court, Kallakurichi and the said sum along with accrued interest, if any, shall be paid out to the petitioner/accused upon filing of a memo along with a copy of this Court without insisting on any formal application for payment out."

09.11.2022

grs

Note:-

Registry is directed to issue fresh order copy.

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09.11.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.840 of 2022
and
Crl.M.P.Nos.8530 & 8535 of 2022

Thakshnamurthy

... Petitioner

Versus

Inbaraj

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C.,
pleased to call for the records in Crl.A.No.42 of 2021 on the file of the learned
3rd Additional District and Sessions Judge, Kallakurichi, Villupuram and set
aside the judgment dated 28.04.2022.

For Petitioner : Mr.G.Sriram

ORDER

This Petition has been filed to call for the records in Crl.A.No.42 of
2021 dated 28.04.2022, on the file of the learned 3rd Additional District and
Sessions Judge, Kallakurichi, Villupuram and set aside the same.

2. Today when the matter came up for hearing, a joint memo of compromise has been filed which is signed by both the petitioner and the respondent/complainant, in which the respondent/complainant had agreed that in view of the sum already received by him, pending disposal of the revision. It is accepted by him and he is willing to drop all further proceedings and compromise the proceedings.

3. In that view of the matter, the petition is disposed of on the following terms:-

(i) The conviction and the sentence imposed against the petitioner by the judgment of the learned Judicial Magistrate Fast Track Court, Kallakurichi dated 17.11.2021 in C.C.No.218 of 2016 and confirmed by the learned Additional District and Sessions Judge, Kallakurichi, Villupuram dated 28.04.2022 in Crl.A.No.42 of 2021 is set aside;

(ii) The offence is treated as compounded.

4. This Criminal Revision Case is ordered accordingly. Consequently, connected miscellaneous petitions are closed.

12.07.2022

Index : yes/no

Speaking order/Non-speaking order

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To

1. The Additional District and Sessions Judge,
Kallakurichi, Villupuram.
2. The Judicial Magistrate, Fast Track Court,
Kallakurichi.

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