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Crl.R.C.No.1149 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.1149 of 2017

K.Anbuselvam

... Petitioner/Appellant/Respondent

VS.

Pitchamuthu
S/o.Ramasamy

... Respondent/Respondent/Complainant

Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure to call for the records and set aside the judgment dated 27.09.2019 passed in C.A.No.30/2019 on the file of the learned III-Additional Sessions Judge, Villupuram, Kallakurichi by confirming the judgment dated 13.03.2019 passed in C.C.No.68/2017 by the learned Judicial Magistrate (Fast Track) Kallakurichi.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.P.Rajavel

ORDER

This Civil Revision Case has been filed against the judgment and order passed by the III Additional Sessions Judge, Villupuram in C.A.No.30 of 2019, dated 27.09.2019, dismissing the appeal and confirming the judgment and order passed by the Judicial Magistrate (Fast Court Level) Kallakurichi, in C.C.No.68 of 2017, dated



13.03.2019, convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.9,00,000/- and in default to undergo three months simple imprisonment. It was further directed that the fine amount shall be paid as compensation to the complainant.

2.During the pendency of this criminal revision case, the parties have arrived at a compromise. Both the petitioner and the respondent have filed independent affidavits stating that the respondent is willing to receive the entire cheque amount of a sum of Rs.9,00,000/- towards full and final settlement. The affidavits filed by the petitioner and the respondent are taken on file.

3.The learned counsel appearing on either side submitted that the compromise entered into between the parties can be taken note by this Court and requested for passing appropriate orders.

4.In the light of the compromise entered into between the parties, it is seen that the petitioner has paid a sum of Rs.4,50,000/- to the respondent by way of cash. The balance sum of Rs.4,50,000/- has already been deposited by the petitioner before the Trial Court. The respondent is willing to withdraw this amount and settle the dispute.

5.In the result, the offence is compounded and the conviction and sentence imposed by both the Courts below is hereby set aside. The respondent is permitted to



Crl.R.C.No.1149 of 2017

file a memo before the Trial Court and seek for the withdrawal of the sum of Rs.4,50,000/- which has already been deposited by the petitioner. The Trial Court shall allow the memo and permit the respondent to withdraw the amount.

6.This Criminal Revision Case is disposed of in the above terms.

07.03.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
KP

To

1. III Additional Sessions Court

Villupuram, Kallakurichi.

2. Judicial Magistrate (Fast Track) Kallakurichi.



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N. ANAND VENKATESH, J.

KP

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