



Bail Slip

The Petitioner / Accused namely P.Kuppusamy, S/o.Perumal, was released on bail as per order of this Court dated 27.09.2017 made in Crl.MP.No.12350 of 2017 in Crl.R.C.No.1276 of 2017 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.RC.No.1276 of 2017

P.Kuppusamy

...Petitioner / Accused

Vs.

S.Elango

...Respondent / Complainant

Prayer: Criminal Revision Petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the conviction imposed in the judgment dated 28.07.2017 made in C.A.No.53 of 2017 on the file of the learned Second Additional District and Sessions Court, Erode, confirming the judgment dated 02.02.2017 made in STC No.603 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode by allowing this Criminal Revision Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.Vignesh
for C.S.Saravanan

O R D E R

The Criminal Revision Petition has been filed to set aside the conviction imposed in the judgment dated 28.07.2017 made in C.A.No.53 of 2017 on the file of the learned Second Additional District and Sessions Court, Erode, confirming the judgment dated 02.02.2017 made in STC No.603 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode.



2.The gist of the case is that on 29.07.2013, the petitioner borrowed a sum of Rs.3,00,000/- from the respondent for his urgent family expenses and promised to repay the same on 29.08.2013. To discharge the liability, the petitioner issued a cheque dated 29.08.2013 bearing No.331092 for Rs.3,00,000/- drawn on ICICI Bank, Erode Branch. When the respondent presented the said cheque for collection, the same was returned on 29.08.2013 as "Funds Insufficient". Therefore, the respondent sent a legal notice to the petitioner on 25.09.2013. After receiving the notice dated 27.09.2013, the petitioner failed to pay the cheque amount. Hence, the respondent filed a private complaint before the Judicial Magistrate, Fast Track Court No.I, Erode.

3.During trial, the respondent/complainant examined himself as PW1 and Ex.P1 to Ex.P5 were marked and on the side of the petitioner/accused, DW1 to DW3 were examined and Ex.D1 was marked. After completion of trial, the petitioner was convicted by judgment, dated 02.02.2017, in S.T.C.No.603 of 2013, by the learned Judicial Magistrate, Fast Track Court No.1, Erode, for offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months Simple Imprisonment and to pay a cheque amount of Rs.3,00,000/- to the respondent as compensation under Section 357(3) Cr.P.C, in default, to undergo one month simple imprisonment. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.53 of 2017 before the Principal Sessions Judge, Erode and the learned Sessions Judge, Erode, by Judgment dated 28.07.2017 dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present criminal revision petition.

4.During pendency of the present revision, the parties have arrived under the settlement. Today, the petitioner, respondent and their respective counsel were present before this Court and stated that the issues have been amicably resolved between the parties. The petitioner and the respondent have taken a decision to dissolve their issues and in respect of the same, they filed joint compromise memo dated 29.11.2021. The respondent/complainant submitted that he has no objection to set aside the judgement of the Courts below against the petitioner/accused and the respondent/complainant received the borrowed amount of Rs.3,00,000/- from the petitioner/accused by way of cash on 11.11.2021 under due receipt. This Court also enquired both the petitioner and the respondent in respect of the same.

5.In view of the above, no useful purpose will be served by keeping the revision pending. It will be in the interest of both the parties not to keep these proceedings pending, since it



will affect their future life. As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under this Act shall be compoundable.

6. In the result, the judgment dated 28.07.2017 made in C.A.No.53 of 2017 on the file of the learned Second Additional District and the judgment dated 02.02.2017 made in STC No.603 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode, are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Second Additional District
and Sessions Court, Erode.
2. The Judicial Magistrate,
Fast Track Court No.1, Erode.
3. The Public Prosecutor,
High Court, Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.16444

Cr1.RC.No.1276 of 2017

SR[co]
NSK 24/03/2022