



Crl.R.C.No.1019 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.RC.No.1019 of 2021

and

Crl.M.P.No.17271 of 2022

Sivabalan	...	Petitioner
	/vs/	
C.Sellamuthu Gounder	...	Respondent

Prayer : Criminal Revision Case has been filed under Section 397 & 401 of Criminal Procedure Code to set aside the conviction imposed in the judgment dated 19.08.2021 made in C.A.No.37 of 2017 on the file of the III Additional District and Sessions Court, Tiruppur at Dharapuram confirming the judgment dated 04.03.2017 made in C.C.No.4 of 2012 on the file of the learned Judicial Magistrate, Dharapuram by allowing their criminal revision petition.

For Petitioner	...	Mr.K.Sudhakar
For Respondent	...	Mr.M.Guruprasad



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ORDER

The Criminal Revision Case has been filed to set aside the conviction imposed in the judgment dated 19.08.2021 made in C.A.No.37 of 2017 on the file of the III Additional District and Sessions Court, Tiruppur at Dharapuram confirming the judgment dated 04.03.2017 made in C.C.No.4 of 2012 on the file of the learned Judicial Magistrate, Dharapuram.

2.The case of the petitioner/accused is that on 12.10.2011 the petitioner borrowed a sum of Rs.4,00,000/- as hand loan from the respondent to meet his urgent family and business expenses. To that effect, he issued a post dated cheque to the respondent and the same was presented for collection on 12.11.2011, which was returned on the ground of “funds insufficient”. Therefore, the respondent filed a private complaint before the Judicial Magistrate, Dharapuram, which was taken on file in C.C.No.04 of 2012. After trial, the trial Court found the petitioner as guilty for offences under Sections 138 & 142 of Negotiable Instrument Act and convicted and sentenced the accused to undergo one year simple imprisonment. Aggrieved against the same, the petitioner/accused filed Crl.A.No.37 of 2017 before the III Additional District and Sessions Court, Tiruppur at Dharapuram,



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which was also confirmed. Against the same, this petitioner/accused has filed this criminal revision petition.

3.The learned counsel for the petitioner as well as the learned counsel for the respondent submits that earlier this Court by an order dated 12.08.2022 referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for amicable settlement. In continuation of order dated 12.08.2022, the Tamil Nadu Mediation and Conciliation Centre had taken up the matter for settlement and the parties have compromised their issue between them before the Mediation by way of settlement agreement dated 14.10.2022 that the respondent/complainant shall withdraw a sum of Rs.2,00,000/- deposited in C.C.No.4 of 2012 and on the date of settlement i.e. 14.10.2022, the respondent/complainant had received a sum of Rs.2,00,000/- by way of demand draft bearing No.791333 dated 13.10.2022 drawn on Union Bank of India, Tirupur Branch.

4.Considering the submissions of the learned counsel for the petitioner as well as the respondent and since the offence involved in this case is



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compoundable offence, the matter has been settled before the mediation between the parties and the report of the Mediation dated 14.10.2022, the complainant/respondent is permitted to withdraw the amount of Rs.2,00,000/- deposited before the trial Court. The settlement agreement shall form part and parcel of this order. Accordingly, the criminal revision petition is allowed on the basis of the settlement agreement and set aside the judgment dated 19.08.2021 made in C.A.No.37 of 2017 by the III Additional District and Sessions Court, Tiruppur at Dharapuram confirming the judgment dated 04.03.2017 made in C.C.No.4 of 2012 on the file of the learned Judicial Magistrate, Dharapuram. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

12.12.2022

To
1.The III Additional District and Sessions Court,
Tiruppur at Dharapuram.



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2. The Judicial Magistrate,
Dharapuram.

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3. The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM ,J.

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