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Crl.R.C.No.471 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No. 471 of 2017

T.S.Vijayakumar

... Petitioner

Versus

Thangaraj

... Respondent

PRAYER: Criminal Revision Petition filed to set aside the conviction imposed in the judgment dated 14.02.2017 made in C.A.No.39 of 2016 on the file of the 1st Additional District & Sessions Judge, Erode, confirming the conviction imposed in judgment dated 05.02.2016 made in S.T.C.No.260 of 2013 on the file of the Judicial Magistrate (F.T.C) No.1 Erode by allowing the criminal revision petitions.

For Petitioner : Mr.A.Thiyagarajan
For Respondent : M/s.Srilekha for Mr.A.Karthikeyan

ORDER

The petitioner is an accused and he was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a fine of



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Rs.5,000/-, in default, to undergo simple imprisonment for 15 days, by the learned Judicial Magistrate, Fast Track Court No.I, Erode, by a judgment dated 05.02.2016 in S.T.C.No.260 of 2013. Challenging the same, the petitioner preferred an appeal in C.A.No.39 of 2016 before the First Additional District and Sessions Court, Erode, the lower appellate court confirmed the conviction and sentence and dismissed the appeal by a judgment dated 14.02.2017. Against the conviction and sentence, the present revision filed.

2. During the pendency of the above case, both the petitioner and the respondent agreed for a compromise and issues resolved between them, the same is placed on record.

3. Now, the entire issues resolved between the petitioner and the respondent. The respondent/complainant and his friend Mr.Thangaraj, who is the complainant in S.T.C.No.260 of 2013 and Mr.Devaraj are present. They have arrived at a settlement further undertaking that no point of time, these cheques will be used by them or through any other



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person. There is no liability part, subsisting or future between the petitioner and the respondent.

4. In view of the same, this Court allows this Criminal Revision Petition and set aside the conviction and sentence passed by the trial Court, confirmed by the Lower Appellate Court. The petitioner is acquitted of all the charges.

14.03.2022

Index: Yes/No

Internet: Yes/No

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Note: Issue order copy on 19.10.2022

To

1. The Judicial Magistrate (F.T.C) No.1 Erode.
2. The 1st Additional District & Sessions Judge, Erode.
3. The Additional Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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