



Crl.R.C.No.960 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.960 of 2017

T.Nagarathinam,
Proprietor of Camino Fashion,
S.F.No.440/4, Opp. to Oxford School,
Five Star Nagar, Vaikalmedu,
Tiruppur - 641 606.

... Petitioner/Accused

Versus

V.Kannan

... Respondent/complainant

PRAYER : Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to call for the records in the order and judgment dated 20.06.2017 in C.A.No.9 of 2016 passed by the learned I Additional District and Sessions Judge, Tiruppur, thereby dismissing the appeal and confirming the order and judgment dated 11.01.2016 in S.T.C.No.133 of 2012 passed by the learned Judicial Magistrate, Fast Track Court, Tiruppur, set aside the same and acquit the petitioner.

For Petitioner : Mr.R.Baskar

For Respondent : Mr.R.Prabakar



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ORDER

This Criminal Revision Case has been filed to set aside the conviction and sentence passed by the learned I Additional District and Sessions Judge, Tiruppur in C.A.No.9 of 2017 dated 20.06.2017 confirming the sentence and order of conviction passed by the learned Judicial Magistrate, Fast Track Court, Tiruppur, in S.T.C.No.133 of 2012 dated 11.01.2016 and acquit the petitioner.

2. The petitioner/accused in S.T.C.No.133 of 2012 was convicted by the learned Judicial Magistrate, Fast Track Court, Tiruppur under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment. Aggrieved against the same, the petitioner preferred an appeal before the I Additional District and Sessions Judge, Tiruppur in C.A.No.9 of 2017. The learned I Additional District and Sessions Judge, Tiruppur, by judgment dated



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20.06.2017 dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, the petitioner has preferred this present Criminal Revision Petition.

3. It is now represented by both the learned counsel for the petitioner as well as the respondent that during the pendency of the above revision, compromise has been arrived between the petitioner/accused and the respondent/complainant. As per the terms of compromise, the cheque amount of Rs.2,00,000/- (Rupees Two lakhs only) along with cost of Rs.25,000/- were paid as follows:

(i) A sum of Rs.1,50,000/- was paid in three installments by way of Demand Drafts, which is not disputed by the respondent/complainant.

(ii) This Court, vide order dated 19.07.2017 made in Crl.M.P.No.8974 of 2017, suspended the substantive sentence of imprisonment imposed on the petitioner with the condition that the petitioner shall deposit a sum of Rs.75,000/- to the credit of S.T.C.No.133 of 2012, on the file of learned Judicial Magistrate, Fast Track Court, Tiruppur. In compliance of the said order, the petitioner deposited a sum of Rs.75,000/- before



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the trial Court and the receipt has been handed over to the respondent.

4. It is further submitted that the petitioner has got no objection for the respondent to withdraw the amount of Rs.75,000/-. As and when the respondent files a petition to withdraw the amount, the petitioner shall give no objection to the same.

5. In support of the same, today, the learned counsel for the appellant filed a Memorandum of Criminal Miscellaneous Petition under Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence, as per the settlement entered between the appellant and the respondent, which have been signed by the appellant and the respondent and also by their respective counsel. They have also filed a Joint Compromise Memo dated 12.07.2022 enclosing the copy of the Demand Draft.

6. In view of the above settlement, the parties have arrived at a compromise and a petition under Section 147 of the Negotiable



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Instruments Act is placed, the offence under Section 138 of N.I. Act in S.T.C. No.133 of 2012 is compounded.

7. Accordingly, this Criminal Revision Case is allowed. The judgment of conviction and sentence passed by the Courts below against the petitioner are set aside and the revision petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

8. The trial Court is directed to disburse the amount, which is lying in the Court deposit in S.T.C.No.133 of 2012, to the respondent/complainant, after filing of appropriate application by the respondent for withdrawing the said amount.

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Index: Yes/No
Internet: Yes/No
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M.NIRMAL KUMAR, J.

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To

- 1.The I Additional District and Sessions Judge,
Tiruppur.
- 2.The Judicial Magistrate,
Fast Track Court, Tiruppur.

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