



Crl.R.C.(MD).No.18 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.18 of 2020

P.Muthaiah

... Petitioner/Respondent/Accused

Vs.

L.Arumugam

...Respondent/Appellant/Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the Judgment passed by the learned Additional District and Sessions Judge, Palani in C.A.No.85 of 2018 dated 11.12.2019 reversing the Judgment passed by the learned Judicial Magistrate No.II cum Fast Track Court (Magistrate level), Madurai in S.T.C.No.125 of 2016 dated 13.04.2018 and set aside the same.

For Petitioner : Mr. Karuppasamy Pandiyan.G

For Respondent : Mr. Vinoth Kumar.B



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ORDER

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This Criminal Revision Case has been filed to call for the records pertaining to the Judgment passed by the learned Additional District and Sessions Judge, Palani in C.A.No.85 of 2018 dated 11.12.2019 reversing the Judgment passed by the learned Judicial Magistrate No.II cum Fast Track Court (Magistrate level), Madurai in S.T.C.No.125 of 2016 dated 13.04.2018 and set aside the same.

2.The offence is under Section 138 of Negotiable Instrument Act. The defacto complainant filed a complaint stating that he and the revision petitioner are friends. He borrowed a sum of Rs.1,30,000/- in November 2010 for meeting out his family expenses. Towards discharge of the above said amount, he issued a cheque on 01.01.2011, that was presented for payment on 04.01.2011, the same was returned as insufficient fund on 28.01.2011 and he sent a notice on 04.02.2022 demanding payment of the amount which was received by the respondent by 07.01.2022 but no reply was given. He filed the above said complaint under Section 138 of Negotiable Instrument Act before the trial Court. The trial Court has acquitted the accused, against which, the appeal has been preferred by the complainant before the Additional District Judge, Madurai in Crl.A.No.85



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of 2018, in which, the judgment of acquittal was reversed and the appellate Court found guilty as against the accused under Section 138 of Negotiable Instrument Act. Accordingly, he was convicted and sentenced to undergo one year Simple Imprisonment and Rs.1,30,000/- as compensation, against which, this revision has been preferred. Pending revision, compromise has been entered between the parties before the Mediation Centre.

3. Since there is a settlement between the parties before the Mediation Centre, this Revision Case preferred by the accused is allowed and the judgment of conviction and sentence passed by the learned Additional District and Sessions Judge, Palani in C.A.No.85 of 2018 dated 11.12.2019 is set aside.

4. The respondent is permitted to withdraw the amount of Rs.50,000/- which was deposited by the petitioner before the trial Court, for which, the Revision Petitioner has no objection. The Mediation Report shall form part of the order.

07.12.2022

Index : Yes / No
Internet : Yes / No
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G.ILANGOVA, J.

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To

The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court, Madurai.

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