



Crl.R.C.(MD)No.123 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.123 of 2022

Pandiyaraj

... Petitioner

Vs

Pandidurai

... Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the Judgment of conviction passed by the learned Additional District and Sessions Judge, Sivagangai in Crl.A.No.121 of 2018, dated 30.11.2021, by confirming the order of conviction sentence passed by learned Magistrate, Fast Track Court, Karaikudi in C.C.No.284 of 2017, dated 17.10.2018.

For Petitioner : Mr.A.Banumathy

For Respondent : Mr.A.Balaji



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ORDER

This Criminal Revision Petition has been filed to set aside the Judgment of conviction passed by the learned Additional District and Sessions Judge, Sivagangai in Crl. A. No. 121 of 2018, dated 30.11.2021, by confirming the order of conviction and sentence passed by learned Magistrate, Fast Track Court, Karaikudi in C.C.No.284 of 2017, dated 17.10.2018.

2.The facts in brief is as follows:

The respondent has filed a private complaint against the petitioner /accused that on 15.11.2015, the petitioner had borrowed a sum of Rs.5,00,000/-, to meet out his routine expenses and in this regard, he executed a pronote. After repeated demands, to discharge the above said loan amount, he issued two cheques, dated 09.11.2017 and 10.11.2017 for a sum of Rs.2 lakhs each, drawn on State Bank of India, Thirupathur. Those cheques were presented for collection on 10.11.2017 by the respondent, but returned as 'insufficient funds' on 14.11.2017. After completing the statutory formalities, he filed the above said complaint. The trial Court had found that the respondent has proved his case and the petitioner was sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.4,25,000/- for the offence under Section



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138 of NI Act. Out of the above said fine amount, Rs.4,24,000/- was ordered to be paid as compensation to the complainant. Aggrieved over the above said conviction and sentence, the petitioner has preferred an Appeal in Crl.A.No.121 of 2018 and that was heard by learned Additional District Judge, Sivagangai and the same was dismissed, by confirming the conviction of Judgment and sentence passed by the Court below. Challenging the same, this revision has been preferred by the petitioner.

3.Pending revision, today, when the matter was taken up for hearing, it is stated that the matter has been settled between the parties, as per the mediation conducted in Crl.OP(MD)No.12029 of 2022.

4.The Crl.OP(MD)No.12029 of 2022 is filed by the respondent, seeking direction to execute the warrant issued against the petitioner, by the trial Court in pursuance of the conviction and sentence imposed in C.C.No.284 of 2017, dated 17.08.2018. During the pendency of above said petition, the matter was referred to Mediation and the petitioner had agreed to pay a sum of Rs. 4,25,000/- to the respondent, as per the settlement entered in Crl.OP(MD)No. 12029 of 2022, which was also accepted by the respondent.



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5. In view of the above settlement entered between both the parties, this Criminal Revision Case is allowed and the conviction that was passed in the trial Court, which was confirmed in Crl. A. No. 121 of 2018, dated 30.11.2021, by the learned Additional District and Sessions Judge, Sivagangai are set aside. Fine amount, if any paid, shall be refunded to the revision petitioner. The joint compromise memo shall form part and parcel of this order.

02.12.2022

Index :Yes/No
Internet:Yes/No
PNM

To

1. The District and Sessions Judge, Sivagangai
2. The Magistrate, Fast Track Court, Karaikudi



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G.ILANGO VAN,J.

PNM

ORDER IN

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