



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C(MD)No.447 of 2022

and

Crl.M.P(MD)Nos.5848 & 5849 of 2022

WEB COPY

Rajamanickam

... Petitioner/Appellant/Sole Accused

Vs.

Packyaraj

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the Judgment of conviction passed by the learned Additional District and Sessions Judge, Periyakulam, Theni District in Criminal Appeal No.01 of 2021, dated 29.03.2022, confirming the order of conviction and sentence passed by the learned Judicial Magistrate, Periyakulam, Theni District in S.T.C.No.28 of 2018, dated 05.11.2020 and set aside the same.

For Petitioner : Mr.S.Vikram

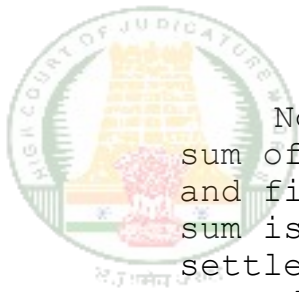
For Respondent : Mr.K.Malaimaran

ORDER

This revision has been filed to set aside the conviction imposed in Criminal Appeal No.01 of 2021, dated 29.03.2022 on the file of the learned Additional District and Sessions Judge, Periyakulam, Theni District, confirming the conviction imposed in S.T.C.No.28 of 2018, dated 05.11.2020 on the file of the learned Judicial Magistrate, Periyakulam, Theni District.

2.The learned counsel appearing on either side would submit that while pending the revision, the parties have amicably settled their issues in pursuant to the conviction passed by the trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, which was confirmed by the Appellate Court. They have also entered into a joint compromise memo, dated 02.05.2022, which reads as follows:-

"1.That the petitioner/appellant herein is the accused in S.T.C.No.28 of 2018 on the file of the Judicial Magistrate, Periyakulam, Theni District in connection with the Judgment passed in Criminal Appeal No.01 of 2021, Additional District and Sessions Judge, Periyakulam, Theni District. That the complainant has claimed a sum of Rs.4,00,000/- (Four Lakhs Only) being the amount payable by the accused towards respondent.



Now that the petitioner/Accused has agreed to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) towards full and final settlement of the dues payable by him. The said sum is agreed to already paid on 29.04.2022 full one-time settlement finally.

The defacto complainant has also agreed to receive the same as full and final settlement of the amounts.

It is further agreed that on payment of the said sum of Rs.4,00,000/- (Rupees Four Lakhs Only), the defacto complainant agrees to receive in person the petitioner hand over the same.

In case of necessity, he also agrees to co-operate for set aside Judgment of conviction passed by the learned Additional District and Sessions Judge, Periyakulam, Theni District, in Criminal Appeal No.01 of 2021, dated 29.03.2022 by confirming the order of conviction sentence passed by the learned Judicial Magistrate, Periyakulam, Theni District in S.T.C.No.28 of 2018, dated 05.11.2020 and set aside the same on the petition to be filed by the petitioner/accused."

3.In view of the said joint compromise memo, the Judgment passed in Criminal Appeal No.01 of 2021, dated 29.03.2022 on the file of the learned Additional District and Sessions Judge, Periyakulam, Theni District, confirming the order passed in S.T.C.No.28 of 2018, dated 05.11.2020, on the file of the learned Judicial Magistrate, Periyakulam, Theni District, are set aside.

4.Accordingly, the Criminal Revision Case is allowed. The joint compromise memo, dated 02.05.2022 shall form part and parcel of this order.

5.The learned counsel appearing for the petitioner would submit that the petitioner/accused already deposited a sum of Rs.80,000/- (Rupees Eighty Thousand Only) before the Court below at the time of preferring the Appeal. As per the joint compromise memo, the petitioner-Rajamanickam is permitted to withdraw the amount deposited by him before the Court below. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/AR(CS-III)

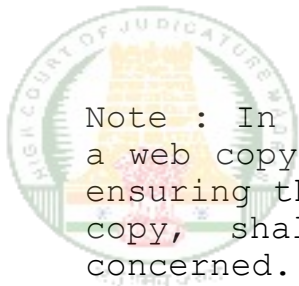
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/ /2022

Sub Assistant Registrar(CS)

(*) Enclosed herewith The Joint Compromise Memo

<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

- 1.The Additional District & Sessions Court,
Periyakulam,
Theni District.
- 2.The Judicial Magistrate,
Periyakulam,
Theni District.

Order made in
Crl.R.C (MD) No.447 of 2022
19.05.2022

RS (31.05.2022) 3P-3C