



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.R.C(MD).No.958 of 2021

WEB COPY

N.Ellammal

...Revision Petitioner/
Appellant/Accused

Vs

P.Sivasubramanian

...Respondent/Respondent/
Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, to call for the records in C.A.No.126 of 2019 dated 09.11.2021 by the II Additional District and Sessions Judge, Tiruchirappalli, by confirming the judgment in S.T.C.No.608 of 2018 on the file of the Judicial Magistrate, Manapparai and duly set aside the judgment of the Courts below by acquitting the revision petitioner.

For Petitioner : Mr.R.Narayanan
For Respondent : Mr.K.Manoharan

O R D E R

This Criminal Revision Case has been filed as against the judgment passed in C.A.No.126 of 2019 dated 09.11.2021 by the II Additional District and Sessions Judge, Tiruchirappalli confirming the judgment passed in S.T.C.No.608 of 2018 by the Judicial Magistrate, Manapparai.

2. The petitioner is an accused in the complaint lodged by the respondent for the offence under Section 138 of Negotiable Instrument Act. The trial Court convicted the petitioner and sentenced him to undergo simple imprisonment for nine months with compensation of Rs.4,00,000/- and in default of payment of the compensation, the petitioner shall undergo a further period of two weeks. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.126 of 2019, however the same was dismissed and the Appellate Court confirmed the conviction and sentence imposed by the trial Court. Thereafter, the petitioner has filed this petition before this Court.

3. While pending the Criminal Revision case, there was settlement arrived between the parties and the entire amount has been paid to the respondent. To that extent, the petitioner and the respondent filed a joint memo which reads as under:-

It is submitted that Revision Petitioner has already deposited a sum of Rs.1,00,000/- before the Judicial Magistrate, Manapparai being 25% of the



cheque amount a sum of Rs.4,00,000/-. Further, the Revision Petitioner paid a sum of Rs.3,00,000/- through demand draft dated 19.03.2022 and DD No.407373 drawn on the Tiruchirappalli District Central Co.Op. Bank Limited, Vaiyampatti Branch to the Respondent today. The entire cheque amount was paid to the Respondent. So, the above said cheque matter was compromised between the Revision Petitioner and the Respondent. The revision petitioner counsel will endorsed no objection to the Complainant counsel before the trial Court for withdrawing of a sum of Rs.1,00,000/-. In this regard, this memo is filed before this Hon'ble Court.

4. Both the petitioner and the respondent are before this Court. The respondent states that the entire amount has been received and he has no objection to compound the offence.

5. In view of the aforesaid facts, the judgment passed by the II Additional District Sessions Judge, Tiruchirappalli in C.A.No.126 of 2019 on 09.11.2021 confirming the judgment passed in S.T.C.No.608 of 2018 on 12.07.2019 by the Judicial Magistrate, Manapparai is quashed. The petitioner is hereby acquitted from the offence punishable under Section 138 of Negotiable Instrument Act.

6. Accordingly, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The II Additional District and Sessions Judge, Tiruchirappalli
- 2.Judicial Magistrate, Manapparai.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.MANOCHARAN, Advocate (SR-14454[F] dated 25/03/2022)

CRL.R.C(MD).No.958 of 2021

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