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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/12/2022

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.25 of 2020

Ramalingam : Petitioner

Vs.

Kannan : Respondent

Prayer:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code to set aside the judgment, dated 27/09/2019 passed in CA No.138 of 2018 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukottai, by confirming the conviction order, dated 26/10/2018 passed in CC No.145 of 2014 on the file of the Judicial Magistrate, Fast Track Court, Pattukottai and acquit the same.

For Petitioner : Mrs.C.Bharathi

For Respondent : Mr.S.Deenadhayan

**ORDER**

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This criminal revision has been filed seeking in order to set aside the judgment, dated 27/09/2019 passed in CA No.138 of 2018 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukottai, by confirming the conviction order, dated 26/10/2018 passed in CC No.145 of 2014 on the file of the Judicial Magistrate, Fast Track Court, Pattukottai.

2.The facts in brief:-

The respondent herein filed a private complaint stating that the petitioner borrowed a sum of Rs. 3,00,000/- from him on 02/12/2013 for his urgent family expenses. To discharge of the same, he issued a cheque, on 02/01/2014 drawn on Indian Bank, Madukkur Branch. When that was presented for payment, it was dishonoured, on 03/01/2014 stating that Funds are Insufficient. After completing the statutory formalities by sending notice, the complaint was filed. The private complaint was taken on file in CC No.145 of 2014 by the trial court.



3. Before the trial court, on the side of the complainant, he himself examined as PW1 and marked 5 documents. On the side of the accused, 2 witnesses were examined and 2 documents were marked.

4. At the conclusion of the trial process, the trial court came to the conclusion that the offence under section 138 of the Negotiable Instruments Act stands proved beyond all reasonable doubt. Accordingly, the accused was convicted and sentenced to undergo one year simple imprisonment and compensation amount of Rs.3,00,000/- was also passed. Challenging the above said, the accused preferred appeal before the appellate court and that was also ended against him. Against the above said concurrent findings, this criminal revision has been preferred by the petitioner.

5. Pending revision, there was a compromise between the parties, by which the entire issue was settled. Since the compromise has been made at the revisional level, the accused was directed to deposit 5% of the agreed amount to the credit of the High Court Legal Services Authority, attached to this Bench. In



pursuance of the above said order, the above said amount was also deposited, on 25/11/2022 and the deposit voucher is also produced. Since, it is a compoundable offence, the matter has been compromised.

6. In view of the above said compromise and compliance, the judgment of conviction and sentence passed by the trial court as well as the first appellate court are hereby set aside and the petitioner is acquitted of the charges levelled against him. The compromise memo shall form part and parcel of the this order. The fine amount, if any paid shall be refunded to the petitioner. Accordingly this criminal revision stands **allowed.**

02/12/2022

Index:Yes/No
Internet:Yes/No
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To,

1. The Judicial Magistrate
Fast Track Court, Pattukottai.
2. The III Additional District Court,
Pattukottai.



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G . ILANGO VAN , J

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