



Crl.R.C.No.296 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

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K.Karthikeyan

.. Petitioner

Vs.

N.Muthukumar

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records pertaining to the order of the Principal Sessions Judge, Erode in Crl.A.No.38 of 2019 dated 20.12.2019, confirming the order in S.T.C.No.136 of 2018 on the file of the District Munsif cum Judicial Magistrate Court, Kodumudi dated 05.01.2019 and set aside the same.

For Petitioner : M/s.T.K.S.Gandhi

For Respondent : Mr.S.Ramesh

ORDER

This Criminal Revision Case is filed against the concurrent findings of the Courts below holding the revision petitioner guilty of offence under Section 138 of Negotiable Instruments Act, for issuing the cheque for



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Rs.3,00,000/- without making adequate arrangement to honour the cheque. The cheque is dated 21.12.2017 for Rs.3,00,000/- drawn in favour of the complainant. It was presented for collection on 21.12.2017, but returned with an endorsement as “Funds Insufficient”. After causing statutory notice, which was received by the accused on 20.01.2018, the complaint has been filed before the District Munsif cum Judicial Magistrate Court, Kodumudi.

2. The complaint has been taken on file in S.T.C.No.136 of 2018. The trial Court has held the accused guilty and sentenced him to undergo one year Simple Imprisonment and ordered to pay Rs.3,00,000/- as compensation to the complainant. Aggrieved by the judgment, the accused has preferred Cr.A.No.38 of 2019, on the file of the Principal Sessions Judge, Erode.

3. The lower appellate Court had dismissed the appeal, confirming the judgment of the trial Court. Hence the above revision petition filed by the accused stating that the judgment of the Courts below



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is unsustainable in law and facts and liable to be set aside.

4. Pursuant to the order passed by this Court while admitting the revision petition, the accused had deposited Rs.1,50,000/- being the 50% of the cheque amount in S.T.C.No.136 of 2018 account on 15.10.2020.

5. When the matter is taken up for final disposal, the accused and the complainant are present and filed a Joint Memo of Compromise indicating that they have settled the dispute amicably and the accused had paid a sum of Rs.36,000/- by way of bank transaction and cash on different dates and he agree to permit the complainant to withdraw a sum of Rs.1,50,000/- deposited in the STC account. The Joint Memo of Compromise dated 14.06.2023 signed by the parties and their respective counsels is taken on record.

6. Recording the Joint Memo of Compromise entered between



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the parties, this Criminal Revision Case is disposed of as offence compounded. The complainant, Muthukumar is permitted to withdraw a sum of Rs.1,50,000/- deposited in the S.T.C.No.136 of 2018 account. If the money been invested in any bank and interest accrued, the complainant is entitled for that interest also.

19.06.2023

Internet : Yes/No

Index: Yes/No

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To

1.The Principal Sessions Judge, Erode

2.The District Munsif cum Judicial Magistrate Court, Kodumudi.

Dr.G.JAYACHANDRAN, J.



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