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Crl.R.C.No.821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.821 of 2023

and

Crl.M.P.No.6300 of 2023

Semalathamathi
W/o.Karnagopal

... Petitioner/Accused

Vs.

Sudhir

... Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the judgment of the learned Sessions Division of the Nilgiris District at Udhagamandalam in C.A.No.57 of 2022 dated 20.03.2023 confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor in S.T.C.No.27 of 2020 dated 31.10.2022 and allow this Criminal Revision Case.

For Petitioner : Ms.S.Valarmathi

For Respondent : Ms.S.Brindha



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ORDER

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This Criminal Revision Petition has been filed seeking to set aside the judgment of the learned Sessions Division of the Nilgiris District at Udhagamandalam in C.A.No.57 of 2022 dated 20.03.2023 confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor in S.T.C.No.27 of 2020 dated 31.10.2022.

2.The petitioner, who is an accused in S.T.C.No.27 of 2020 on a private complaint filed by the respondent for offence under Section 138 of the Negotiable Instruments Act, was convicted by the trial Court by judgement dated 31.10.2022 and sentenced to undergo six months simple imprisonment and directed to pay the cheque amount Rs.3,00,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.57 of 2022 before the learned Sessions Division of the Nilgiris District at Udhagamandalam. The learned Sessions Judge, by judgment dated 20.03.2023, dismissed the appeal, confirming the conviction and sentence passed by the trial Court, against which, the present revision has been filed.



3. During the pendency of the revision, the matter was referred to the Lok Adalat and the petitioner as well as respondent appeared before the Lok Adalat on 14.10.2023, on which date, the petitioner/accused and the respondent/complainant arrived at a settlement. The petitioner/accused agreed to pay a sum of Rs.3,20,000/- on or before 08.12.2023 directly to the respondent and on such payment, the offence under Section 138 of the Negotiable Instruments Act, 1881 shall stand compounded.

4. It is represented by the learned counsel for petitioner that pursuant to the Lok Adalat order, on 20.12.2023, the amount of Rs.1,30,000/- (Rupees One lakh and Thirty thousand only) transferred to the respondent's bank account, namely, Federal Bank, Kotagiri. Today, the learned counsel produced the copy of the Demand Draft for a sum of Rs.1,90,000/- (Rupees One lakh and Ninety thousand only), which was received and acknowledged by the respondent. The learned counsel for the respondent also confirms the same.

5. The learned counsel for petitioner submits that the amount ought to have been paid on or before 08.12.2023. The petitioner had complied with



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the Lok Adalat order but with some delay. Now the entire amount has been paid. The learned counsel for the respondent has got no objection to compound the offence.

6.In view of the Lok Adalat proceedings and subsequently, the entire liability has been discharged with an additional amount of Rs.20,000/-, the case between the petitioner and the respondent is compounded. Accordingly, the judgment, dated 31.10.2022 in S.T.C.No.27 of 2020, passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor and the judgment dated 20.03.2023 passed in C.A.No.57 of 2022 by the learned Sessions Division of the Nilgiris District at Udthagamandalam are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against her.

7.The petitioner/accused had already deposited a sum of Rs.90,000/- to the credit of S.T.C.No.27 of 2020 on the file of learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor. In view of the compounding of the offence, the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor is directed to return the amount of



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Rs.90,000/- to the petitioner, which was deposited by her in S.T.C.No.27 of 2020, after filing an appropriate petition/Memo by the petitioner along with this order copy. Consequently, connected Criminal Miscellaneous Petition is closed.

27.03.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Sessions Division of the Nilgiris District
at Udthagamandalam.

2.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Coonoor.



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M.NIRMAL KUMAR, J.

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