



Crl.R.C.No.785 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 04.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.785 of 2022

Narayanamoorthy

.. Petitioner

Vs.

Raja

.. Respondent

PRAYER: Criminal Revision Case filed under sections 397 and 401 of Cr.P.C., against the judgment dated 25.04.2022 in Crl.A.No.63 of 2021 on the file of Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the judgment dated 19.03.2021 made in STC.No.224 of 2018 on the file of Judicial Magistrate (Fast Track Court), Tiruchengode.

For Petitioner : Mr.J. Jayan

For Respondent : Mr.S. Vijayakumar



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ORDER

This Criminal Revision Case has been filed against the judgment dated 25.04.2022 in Crl.A.No.63 of 2021, on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the judgment dated 19.03.2021 made in STC.No.224 of 2018 on the file of Judicial Magistrate (Fast Track Court), Tiruchengode.

2. The petitioner has borrowed a sum of Rs.75,000/- as hand loan from the respondent on 27.4.2018 and in order to discharge the same, he issued a cheque bearing No.000123, dated 27.04.2018 in favour of the respondent, drawn on Karur Vysya Bank, Tiruchengode Branch, but when the said cheque was presented for encashment, the same was returned with an endorsement 'Funds Insufficient' on 10.05.2018. The respondent, issued a legal notice on 24.5.2018 demanding the cheque amount, inspite of the same, since the petitioner neither issued any reply nor repaid the cheque amount within 15 days from the date of receipt of notice, the respondent



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filed a complaint against him for commission of offence under section 138 of Negotiable Instruments Act. The case was taken on file in STC.No.224 of 2018 before the Judicial Magistrate (Fast Track Court), Tiruchengode. After trial, the learned Magistrate convicted and sentenced the petitioner to undergo Simple Imprisonment for a period six months and to pay the cheque amount of Rs.75,000/- as compensation to the complainant. Aggrieved by the conviction and sentence imposed by the trial court, the petitioner filed an appeal in Crl.A.No.63 of 2021 before the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal, The lower appellate Court dismissed the appeal, confirming the conviction and sentence imposed by the trial court. Aggrieved over the same, the petitioner/accused has filed the present criminal revision case.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the learned counsel for the respondent submitted that the accused/petitioner and the respondent/complainant have settled their disputes amicably and the petitioner has settled the disputed



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cheque amount to the respondent, pursuant to which, they have also entered into a joint compromise memo on 08.10.2022. Thus, he prayed to allow this criminal revision case by recording the joint compromise memo entered between both the parties.

4. Heard both sides and perused the materials available on record.

5. It is seen that now both the parties viz., respondent/complainant and petitioner/accused have settled their disputes out of court and compromised with each other and to that effect, they have also filed a Joint Compromise Memo, dated 08.10.2022, duly signed by the petitioner/accused, respondent/complainant and their respective counsel.

6. In view of the submission made by the learned counsel for either side, the following order is passed.

1. the Joint Compromise Memo, dated 08.10.2022 is recorded;
2. the Criminal Revision Case is allowed;
3. the judgment of conviction and sentence imposed on the



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petitioner by the trial court and subsequently confirmed by the lower appellate court is set aside.

04.01.2023

Index: yes/no
Internet: yes/no
msr

To

1. The Judicial Magistrate, FTC, Thiruchengode.
2. The Special Judge, The Special Court for trial of case registered under SC/ST (POA) Act, Namakkal.

V. SIVAGNANAM, J.



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