



Crl.R.C.No.1038 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 14.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.1038 of 2021

Lakshmi

.. Petitioner

Vs.

D.R.Mehta

.. Respondent

PRAYER: Criminal Revision Case filed under sections 397 and 401 of Cr.P.C., to call for the records and set aside the judgment dated 06.03.2021 made in C.A.No.73 of 2019 on the file of the learned II Addl. District and Sessions Judge at Vellore @ Ranipet, which was confirmed by the judgment dated 31.07.2019 made in C.C.No.52 of 2017 on the file of the learned Judicial Magistrate at Sholinghur and acquit the petitioner by allowing this revision.

For Petitioner : Mr.S. Amarnath

For Respondent : Ms.V.Sudarmathi



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ORDER

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This Criminal Revision Case has been filed against the judgment dated 06.03.2021 made in C.A.No.73 of 2019 on the file of the learned II Addl. District and Sessions Judge at Vellore @ Ranipet, confirming the judgment dated 31.07.2019 made in C.C.No.52 of 2017 by the Judicial Magistrate, Sholinghur.

2. According to the respondent/complainant, the petitioner/accused borrowed a sum of Rs.2,00,000/- for his family expenses from the respondent during February 2017 and in order to discharge the same, he issued a cheque bearing No.499852, dated 16.06.2017 in favour of the respondent, drawn on Indian Overseas Bank, Sholingar Branch, but when the said cheque was presented for encashment, the same was returned with an endorsement 'Exceeds Arrangement' on 22.06.2017. The respondent, issued a legal notice on 04.07.2017 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



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respondent filed a complaint against him for commission of offence under section 138 of Negotiable Instruments Act. The case was taken on file as C.C.No.52 of 2017 by the learned Judicial Magistrate at Sholinghur. After trial, the learned trial judge, found the petitioner guilty under section 138 of Negotiable Instruments Act and convicted and sentenced him to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.5000/-, in default in payment of fine amount, to undergo simple imprisonment for 3 months.

3. Aggrieved by the conviction and sentence imposed by the trial court, the petitioner filed an appeal in C.A.No.73 of 2019 on the file of the learned II Addl. District and Sessions Judge at Vellore @ Ranipet. The lower appellate Court, by its judgment dated 06.03.2021, 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.



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4. 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 petitioner/accused and the respondent/complainant have settled their disputes amicably among themselves out of court, through mediation before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 09.11.2022. To that effect, they have also filed the Mediation report, dated 09.11.2022 along with the settlement agreement dated 09.11.2022 entered into between them, duly signed by both parties, and their respective counsel.

5. The learned counsel for the petitioner submitted that in view of the settlement arrived at between the parties through mediation, he prayed to allow this criminal revision case by recording the settlement agreement dated 09.11.2022 entered between both the parties.

6. Heard both sides and perused the mediation report and settlement agreement dated 09.11.2022.

7. It is seen that now both the parties viz., respondent/complainant



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and petitioner/accused have settled their disputes out of court through mediation and compromised with each other and to that effect, they have also filed a Settlement Agreement, dated 09.11.2022, duly signed by the petitioner/accused, respondent/complainant and their respective counsel.

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

- a) the Criminal Revision Case is allowed;
- b) The Mediation report dated 09.11.2022 and the Settlement Agreement, dated 09.11.2022 signed by both parties is hereby recorded and the same shall form part of records;
- c) the judgment of conviction and sentence imposed on the petitioner by the trial court and subsequently confirmed by the lower appellate court is set aside.

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Index: yes/no
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1. The II Addl. District and Sessions Judge, Vellore @ Ranipet.
2. The Judicial Magistrate, Sholinghur.

V. SIVAGNANAM, J.



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