



Crl.R.C.No.1499 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1499 of 2022

and

Crl.M.P.Nos.17268, 17272 & 18090 of 2022

Kamalavathy ... Petitioner

/vs/

Neela Pillai ... Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 and 401 Cr.P.C. to call for the records in C.A.No.43 of 2021 on the file of the III Additional District and Sessions Judge, Kallakuruchi dated 23.06.2022 confirming the order of conviction passed by the learned Judicial Magistrate, Fast Track Court, Kallakuruchi in C.C.No.2 of 2017 dated 29.11.2021, set aside the same and set the petitioner at liberty.

For Petitioner ... Mr.M.Devaraj

For Respondent ... Mr.A.Kousik Raghu Rajan

ORDER



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The criminal revision case has been filed to call for the records in C.A.No.43 of 2021 on the file of the III Additional District and Sessions Judge, Kallakuruchi dated 23.06.2022 confirming the order of conviction passed by the learned Judicial Magistrate, Fast Track Court, Kallakuruchi in C.C.No.2 of 2017 dated 29.11.2021 and set aside the same.

2.The revision petitioner is an accused and the respondent is the complainant. The respondent filed a complaint against the petitioner for an offence under Section 138 of the Negotiable Instruments Act. After trial, the petitioner was convicted and sentenced him to undergo one year rigorous imprisonment and to pay a cheque amount of Rs.9,00,000/- as compensation within three months, in default, to undergo two months simple imprisonment. Aggrieved against the conviction and sentence, the petitioner filed an appeal in C.A.No.43 of 2021 before the III Additional District and Sessions Judge, Kallakuruchi and the learned III Additional District and Sessions Judge has confirmed the judgment of the trial Court, against which, the present criminal revision case has been filed.



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3. When the matter is taken up for hearing, the learned counsel for the petitioner/accused and the learned counsel for the respondent/complainant submitted that the matter has been compromised and settled out of Court and the accused gave the entire cheque amount to the complainant. In this regard, they filed a compromise memo dated 22.11.2022, in which, both the parties and their respective counsel were signed. Therefore, it may be recorded. The accused had deposited a sum of Rs.1,80,000/- before the trial Court in C.C.No.2 of 2017 on the file of the Judicial Magistrate, Fast Track Court, Kallakuruchi and the respondent may be directed to withdraw the same and the complainant has no objection to acquit the accused from the charge.

4. I have considered the matter in the light of the submissions made by both the parties.

5. On perusal of the records, it is noticed that the respondent filed a complaint against the petitioner in C.C.No.2 of 2017 for the offence under Section 138 N.I. Act before the trial Court. The trial Court found guilty of



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the accused and convicted and sentenced to undergo one year rigorous imprisonment and to pay a cheque amount of Rs.9,00,000/- as compensation within three months, in default, to undergo two months simple imprisonment. Aggrieved against the conviction and sentence, the petitioner filed an appeal in C.A.No.43 of 2021 before the III Additional District and Sessions Judge, Kallakuruchi and the learned III Additional District and Sessions Judge has confirmed the judgment of the trial Court, against which, the present criminal revision case has been filed. At this stage, the parties settled their dispute out of the Court and compound the offence between them. In this regard, they filed a joint compromise memo dated 22.11.2022 and the same is recorded. Further, it is noticed that the accused had deposited a sum of Rs.1,80,000/- before the trial Court in C.C.No.2 of 2017 and he had no objection to withdraw that amount by the complainant without notice before the trial Court.

7.Considering the submissions of the parties and the joint compromise, the criminal revision case is allowed and the petitioner/accused is acquitted from the charge and the



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respondent/complainant is permitted to withdraw the amount of Rs.1,80,000/- deposited before the trial Court in C.C.No.2 of 2017 without notice to the accused. The Joint compromise memo dated 22.11.2022 shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
sms
To

20.03.2023

- 1.The III Additional District and Sessions Judge,
Kallakuruchi.
- 2.The learned Judicial Magistrate,
Fast Track Court, Kallakuruchi.
- 3.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM ,J.



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