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Crl.R.C.No.900 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.900 of 2021

and

Crl.M.P.No.6285 of 2023

P.C.Viswanathan

...

Petitioner

/vs/

B.Venkidusamy

...

Respondent

Prayer : Criminal Revision Case has been filed under Section 397 r/w Section 401 of Cr.P.C. to set aside the judgment dated 17.12.2020 passed in Crl.A.No.23 of 2020 on the file of the III Additional District and Sessions Judge, Erode, confirming the judgment dated 06.01.2020 passed in C.C.No.127 of 2015 on the file of the Judicial Magistrate No.II, Gobichettipalayam and allow the above criminal revision petition.

For Petitioner ... Mr.R.Ezhilarasan

For Respondent ... Mr.N.Manoharan

ORDER

Challenging the judgment dated 17.12.2020 passed in Crl.A.No.23 of 2020 on the file of the III Additional District and Sessions Judge, Erode, confirming the judgment dated 06.01.2020 passed in C.C.No.127 of 2015 on the file of the Judicial Magistrate No.II, Gobichettipalayam, the criminal revision petition has been filed.



2. When the matter is taken up for hearing, the learned counsel for the petitioner as well as the learned counsel for the respondent represented that the matter has been compounded between the parties and the cheque amount has been given to the complainant. In this regard, a compound petition in Crl.M.P.No.6285 of 2023 dated 26.04.2023 has been filed, wherein, both the parties and their respective counsel were signed and the petitioner has paid a sum of Rs.1,85,000/- by way of Demand draft No.728486 dated 15.03.2023 drawn in favour of the respondent from the Bank of Baroda, Bhavani Branch as full and final settlement. Therefore, it may be recorded and the respondent has no objection to acquit the petitioner from all the charges.

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

4. On perusal of the records, it is noticed that the respondent filed a complaint against the petitioner in S.T.C.No.4212 of 2013 for the offence under Section 138 N.I.Act before the Judicial Magistrate No.II, Gobichettipalayam, thereafter, it was sent to Judicial Magistrate, Fast Track Court No.I, Erode and taken on file in S.T.C.No.51 of 2015, again it was



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transferred to Judicial Magistrate No.II, Gobichettipalayam and taken on file in C.C.No.127 of 2015. The learned Judicial Magistrate found guilty of the accused and convicted and sentenced to undergo six months simple imprisonment and to pay a cheque amount of Rs.2,00,000/- as compensation. Aggrieved against the conviction and sentence, the petitioner filed an appeal in C.A.No.23 of 2020 before the III Additional District and Sessions Judge, Erode, Gobichettipalayam 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.

5.At this stage, the parties settled their dispute out of the Court and compound the offence between them. In respect of the same, they filed a compound petition in Crl.M.P.No.6285 of 2023, wherein, it is stated that the petitioner had paid a sum of Rs.1,85,000/- to the respondent by way of Demand draft No.728486 dated 15.03.2023 drawn in favour of the respondent and he had no objection to acquit the petitioner from all the charges. Both the parties are present before this Court and they were enquired.

6.Considering the settlement arose between the parties and also



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considering the fact that the respondent has no objection to acquit the petitioner from all the charges, the criminal revision case as well as the compound petition are allowed and the petitioner is acquitted from all the charge.

Index : Yes/No

Internet: Yes/No

sms

To

28.04.2023

1.The III Additional District and Sessions Judge,
Erode.

2.The Judicial Magistrate No.II,
Gobichettipalayam.



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V.SIVAGNANAM, J.

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