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Crl.R.C.Nos.1079 & 1080 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.R.C.Nos.1079 & 1080 of 2017

S.Kundra Kumaran

... Petitioners in both Crl.RCs.

Vs.

C.Vajravel

... Respondent in both Crl.RCs.

Criminal Revisions filed under Sections 397 and 401 Cr.P.C praying to set aside the judgment passed in C.A.Nos.15/2016 & 16/2016 respectively on the file of Principal Sessions Judge, Dharmapuri dated 17.05.2017 filed against the judgment passed in STC.Nos.98/2014 & 97/2014 respectively on the file of the Judicial Magistrate, (FTC) Dharmapuri dated 07.11.2016 and thereby acquit him under Section 138 Negotiable Instruments Act.

For Petitioner
in both Crl.RCs. : Mr.G.Udaya Shankar

For Respondent
in both Crl.RCs. : Mr.C.Munusamy



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COMMON ORDER

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The Criminal Revision Cases have been filed seeking to set aside the judgment passed in C.A.Nos.15/2016 & 16/2016 respectively on the file of Principal Sessions Judge, Dharmapuri dated 17.05.2017 against the judgment passed in STC.Nos.98/2014 & 97/2014 respectively on the file of the Judicial Magistrate, (FTC) Dharmapuri dated 07.11.2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The Compromise Memo in both cases have been filed. The petitioner had paid the cheque amount and both the parties have signed the Compromise Memo by accepting to the terms. The legal heirs of the deceased respondent/proposed respondents 2 to 5 submitted that they had received a sum of Rs.4,00,000/- (Rupees Four Lakhs only) from different dates as mentioned in the Compromise Memo and had accepted to close the matter as settled out of Court.

4. The learned counsel for the petitioner submitted that a sum of Rs.1,00,000/- (Rupees one lakh only) (in each of the cases) has already been deposited by the petitioner in compliance of the order of this Court dated 13.09.2017 made in Crl.RC.Nos.1079 & 1080 of 2017. The petitioner was



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directed to deposit a sum of Rs.2,00,000/- (Rs.1,00,000/- in each of the cases) to the credit of STC.Nos.98 & 97 of 2014. As per the Compromise Memo, the petitioner and the proposed respondents 2 to 5 had agreed that the proposed second respondent/son of the deceased respondent namely Gnana Murugan would be permitted to get appropriate orders from the learned Judicial Magistrate, Fast Track Court, Dharmapuri for withdrawing the same.

5. In view of the above submission, the son of the deceased respondent namely Gnana Murugan is permitted to file a petition before the learned Judicial Magistrate, Fast Track Court, Dharmapuri and on the petition being filed, the learned Judicial Magistrate is directed to pass orders permitting the proposed second respondent/the son of the deceased respondent namely Gnana Murugan to withdraw a sum of Rs.80,000/- in each of the cases within a period of two weeks from the date of such petition. The remaining Rs.20,000/- in each of the cases shall be deposited to the credit of the Tamil Nadu Legal Services Authority, Chennai towards costs within a period of one week thereafter. The learned Judicial Magistrate, Fast Track Court, Dharmapuri is directed to submit a report in compliance of the above direction to the Registry within a period of one week therefrom.

6. With the above directions, these Criminal Revision Cases are



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disposed of. The Compromise Memo forms part of the records.

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20.01.2023

Index: Yes/No

Speaking / Non Speaking Order

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To

1.The Principal Sessions Judge,
Dharmapuri.

2.The Judicial Magistrate,
FTC, Dharmapuri.



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R.N.MANJULA, J

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