



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.09.2023

PRONOUNCED ON : 21.12.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.RC.No.1319 of 2019

M.Narmatha

... Petitioner

-Vs-

P.Loganathan

...Respondent

Prayer:- Criminal Revision Case filed under Section 397 and 401 of Cr.P.C, to set aside the conviction imposed in the judgment dated 28.02.2018 made in C.A.No.208 of 2017 on the file of the learned II Additional District and Sessions Judge, Erode confirming the conviction imposed in the judgment dated 07.02.2017 made in STC.No.376 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode by allowing this Criminal Revision Petition.

For Petitioner : Mr.M.Guruprasad

For Respondent : No Appearance



ORDER

This Revision petition is filed by the accused before the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode in STC.376 of 2013 dated 07.02.2017. As per the judgment of the learned Judicial Magistrate, Fast Track No.I (Magisterial level), Erode, the Petitioner / Accused was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.1,50,000/- as compensation to the complainant in default, to undergo one month Simple Imprisonment.

2. Aggrieved by the judgment of conviction and sentence of imprisonment, the accused had preferred C.A.No.208 of 2017 dated 28.02.2018 on the file of the learned II Additional District and Sessions Judge, Erode.

3. By judgment dated 28.02.2018, in C.A.No.208 of 2017, the learned II Additional District and Sessions Judge, Erode had dismissed the above Criminal Appeal confirmed the judgment of the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode in STC.376 of 2013 dated 07.02.2017.



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4. Aggrieved by the dismissal of the appeal confirming the judgment of the learned Judicial Magistrate, Fast Track Court No. I (Magisterial level), Erode, the accused had preferred this Criminal Revision Petition.

5. By the time, when the Criminal Revision was filed, the accused was secured as per the judgment of the learned II Additional District and Sessions Judge, Erode. Since the accused was secured and remanded to judicial custody, the accused had preferred this Criminal Revision. By that time, there was delay in filing the Criminal Revision before this Court.

6. Therefore, the accused had preferred Crl.M.P 16757 of 2019 in Crl.R.C.SR.No.55998 of 2019 to condone the delay of 528 days in preferring the above Criminal Revision. While the Crl.M.P was pending, the learned counsel for the respondent / complainant, offered for an amicable settlement. Based on the said settlement, this Court recorded the settlement that the respondent/complainant received an amount of Rs.2,00,000/- from the petitioner/accused, towards full and final settlement. The respondent/complainant has also filed Full Satisfaction Memo to that effect.



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7. In the light of the amicable settlement made between the complainant and the accused, the learned Judge of this Court recorded the settlement in the petition to condone the delay of 688 days in CrI.MP.No.16757 of 2019 in CrI.R.C.SR.No.55998 of 2019 dated 26.11.2019 and directed the Registry to number the revision.

8. In the result, **this Criminal Revision Case stands dismissed as settled out of Court.** The judgment of the conviction and sentence passed by the II Additional District and Sessions Judge, Erode in C.A.No.208 of 2017 dated 28.02.2018 confirming the judgment dated 07.02.2017 passed in STC.No. 376 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode, is set aside.

21.12.2023

(2/2)

drl

Index : Yes/No

Speaking/Non-speaking order



To

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1. The Judicial Magistrate, Fast Track Court No.I,
(Magisterial Level), Erode.

2. The II Additional District and Sessions Judge,
Erode



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SATHI KUMAR SUKUMARA KURUP, J.,

drl/shl

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