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CrI.RC.No.1318 of 2019



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.1318 of 2019

M.Narmatha

... Petitioner

-Vs-

P.Kumaresan

...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 21.09.2017 made in C.A.No.71 of 2016 on the file of the learned I Additional Sessions Judge, Erode confirming the conviction imposed in the judgment dated 02.03.2016 made in STC.No.131 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



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Crl.RC.No.1318 of 2016



ORDER

This Revision Petition is filed by the Accused before the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode in STC.No.131 of 2013 dated 02.03.2016. 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.5000/-, in default, to undergo 15 days Simple Imprisonment and no compensation was ordered.

2. Aggrieved by the judgment of conviction and sentence of imprisonment, the Petitioner / Accused had preferred C.A.No.71 of 2016 dated 21.09.2017 on the file of the learned I Additional Sessions Judge, Erode.

3. By judgment dated 21.09.2017, in C.A.No.71 of 2016, the learned I Additional Sessions Judge, Erode had dismissed the above Criminal Appeal and confirmed the judgment of the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode in STC.131 of 2013 dated 02.03.2016.

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 Petitioner / 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 I Additional Sessions Judge, Erode. Since the Accused was secured and remanded to the judicial custody, the Accused had preferred this Criminal Revision. By that time, there was a delay in filing the Criminal Revision before this Court.

6. Therefore, the Petitioner/Accused had preferred Crl.M.P.No.16759 of 2019 in Crl.R.C.SR.No.56002 of 2019 to condone the delay of 688 days. 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.

7. In the light of the amicable settlement made between the Respondent / Complainant and the Accused, the learned Judge of this Court condoned the delay of 688 days in Crl.MP.No.16759 of 2019 in Crl.R.C.SR.No.56002 of



2019 dated 26.11.2019 and directed the Registry to number the revision.

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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 learned I Additional Sessions Judge, Erode in C.A.No.71 of 2016 dated 21.09.2017 confirming the judgment dated 02.03.2016 passed in STC.No. 131 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.I (Magisterial level), Erode, is set aside.

21.12.2023
(½)

drl

Index : Yes/No

Speaking/Non-speaking order

To

1. The Judicial Magistrate, Fast Track Court No.I,
(Magisterial Level), Erode.
2. The First Additional Sessions Judge,
Erode

SATHI KUMAR SUKUMARA KURUP, J.,



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Crl.RC.No.1318 of 2019

drl/shl

**Pre-Delivery Order Made in
Crl.RC.No.1318 of 2019**

**21.12.2023
(½)**