



Crl.R.C.No.108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.108 of 2023

Murugavel

... Petitioner

Vs.

A.Senthilkumar

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C to call for the records on the file of the learned Principal Sessions Judge, Salem, Salem District in Crl.A.No.22/2021 dated 08.12.2021 and confirming the judgment passed in STC No10/2020 on the file of the learned Judicial Magistrate, Fast Track Court, Attur, Salem District dated 04.02.2021 and set aside the judgment dated 08.12.2021.

For petitioner : Mr.E.Kannadasan

For respondent : Mr.P.Palaninathan

ORDER

This Criminal Revision Case has been filed to set aside the



Crl.R.C.No.108 of 2023

judgment dated 08.12.2021 passed by the learned Principal Sessions Judge, Salem, Salem District in Crl.A.No.22/2021, confirming the judgment dated 04.02.2021 passed by the learned Judicial Magistrate, Fast Track Court, Attur, Salem District in STC No10/2020.

2. The petitioner is the accused in STC No.10/2020 on the file of the Judicial Magistrate Court, Fast Track Court, Attur, Salem District. The Trial Court convicted the petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay the cheque amount of Rs.1,80,000/- to the respondent/complainant, as per Section 357(3) of Cr.P.C. Challenging the judgment of conviction and sentence, he preferred an appeal in Crl.A.No.22/2021 before the Principal Sessions Judge, Salem District. The lower Appellate Court, vide judgment dated 08.12.2021, confirmed the judgment of conviction and sentence passed by the Trial Court. Therefore, the petitioner filed the present Criminal Revision Case.

3. Today, when the matter is taken up for hearing, both the learned counsel for the petitioner as well as the respondent informed



Crl.R.C.No.108 of 2023

WEB COPY

that, a settlement has been reached between the parties and the matter has been compromised between the petitioner/accused and the respondent/ complainant by executing a Joint Memo dated 07.02.2023.

4. The above said Joint Memo dated 07.02.2023 has been filed before this Court which has been signed by the petitioner/accused and the respondent/complainant and also by their respective counsel.

5. A perusal of the Joint Memo dated 07.02.2023 shows that, in view of issuance of NBW, the petitioner was arrested and he was produced before the learned Judicial Magistrate, Fast Track Court, Attur, Salem District on 12.12.2022, and on that day, he paid a sum of Rs.30,000/- through his counsel, and the counsel also issued the receipt of acknowledgement. Further, it reveals from the Joint Memo that, the parties agreed to settle the issue by compromise and the petitioner paid a sum of Rs.1,00,000/- as cash, towards the settlement to the respondent and the same was accepted and received by the respondent. Hence, it is prayed by both the counsel for petitioner as well as the respondent that the Joint Memo may be accepted and pleaded to acquit



Crl.R.C.No.108 of 2023

the petitioner from the above case in STC No.10/2020.

WEB COPY

6. Under such circumstances, no useful purpose will be served in keeping the Criminal Revision Case pending and hence, the same is allowed and the offence under Section 138 of Negotiable Instruments Act tried in STC No.10/2020 on the file of the Judicial Magistrate, Fast Track Court, Attur, Salem District, shall stand compounded under Section 147 of Negotiable Instruments Act and the petitioner/accused shall stand acquitted of all the charges framed against him. The Joint Memo dated 07.02.2023 shall form part of the order.

10.02.2023

Index:Yes/No
mst

To

1. The Principal Sessions Judge, Salem, Salem District.
2. The Judicial Magistrate, Fast Track Court, Attur, Salem District.



WEB COPY



Crl.R.C.No.108 of 2023

V.SIVAGNANAM, J.
mst

Crl.R.C.No.108 of 2023

10.02.2023