



WEB COPY



Crl.R.C.No.2213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2213 of 2023 and
Crl.M.P.Nos.19898, 19899 & 20161 of 2023

K.Ravichandran

... Petitioner

Vs.

Vetrivel @ Sivakumar

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, order of the learned in S.T.C.No.27/2017 in order dated 27.12.2021 before the on the file of learned Judicial Magistrate, Fast Track Magistrate Level at Coonoor and the Order of Sessions Judge of Magalir Needhimandram (FTMC), Udthagamandalam at Nilgiris in Crl.Appeal.No.04/2022 was dismissed and hereby confirmed, dated 04-07-2023 and ought to be set aside and the petitioner be acquitted.

For Petitioner : Mr.P.K.Rajangam

For Respondent : Mr.V.T.Narendiran

ORDER

The petitioner was convicted by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor (trial Court) by judgment, dated 27.12.2021 in S.T.C.No.27 of 2017 and sentenced to undergo Simple Imprisonment for six months and to pay compensation of Rs.3,50,000/- to the respondent, in default to undergo Simple Imprisonment for two months



for offence under Section 138 of the Negotiable Instruments Act, 1881.

Aggrieved over the same, an appeal was preferred by the petitioner before the learned Sessions Judge, Magalir Needhimandram (FTMC), Udhagamandalam (lower appellate Court) in Criminal Appeal No.4 of 2022. The lower appellate Court, by judgment, dated 04.07.2023 dismissed the appeal confirming the judgment of the trial Court. Challenging the same, the present Criminal Revision Case is filed.

2.Gist of the case is that the petitioner borrowed a loan of Rs.3,50,000/- from the respondent to meet out his financial crisis and issued a cheque for Rs.3,50,000/-, dated 01.12.2016 drawn on Bank of Baroda, Coonoor Branch and when the respondent presented the said cheque for encashment in Bank of India, Coonoor on 02.12.2016, it was returned on 03.12.2016 with an endorsement 'Funds Insufficient'. Thereafter, a legal notice was issued on 17.12.2016 to the petitioner demanding the cheque amount. Despite receipt of the same on 18.12.2016, the petitioner neither issued any reply nor returned the cheque amount. After following the statutory provisions, a complaint was filed before the trial Court in



S.T.C.No.27 of 2017. During trial, the respondent examined himself as PW1 and marked four documents as Exs.P1 to P4. On the side of the petitioner/defence, no witness examined and no document marked. On conclusion of trial, the trial Court convicted the petitioner as stated above.

3.The learned counsel for the petitioner submitted that after two concurrent findings of trial Court as well as lower appellate Court, the petitioner paid the cheque amount of Rs.3,50,000/- in cash to the respondent/complainant, as a result, the parties settled their issues involved in this case.

4.The learned counsel for the respondent also confirmed the receipt of the cheque amount by the respondent and the respondent agreed to give quites to the dispute between them. To compound the offence, the respondent filed a petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.20161 of 2023 in Crl.R.C.No.2213 of 2023 to withdraw the complaint.

5.Today, the respondent present before this Court. Since the



petitioner is not well and is taking treatment, he appeared through video conference and his identity is not disputed. The respondent/complainant admits the receipt of the cheque amount of Rs.3,50,000/- in cash and agrees to give quites to the issue.

6.The respondent/complainant has filed a compounding petition along with affidavit before this Court in Crl.M.P.No.20161 of 2023 in Crl.R.C.No.2213 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.This Court had an enquiry with both the petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner and filing of joint compromise memo and compounding petition.

8.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court is inclined to compound the case.

9.In the result, the case between the petitioner and the respondent is



Crl.R.C.No.2213 of 2023

compounded. Hence, the judgment of the trial Court, dated 27.12.2021 in S.T.C.No.27 of 2017 and the judgment of the lower appellate Court, dated 04.07.2023 in Criminal Appeal No.4 of 2022 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, the connected Crl.M.P.Nos.19898 & 19899 of 2023 are closed.

20.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

vv2

To

- 1.The Sessions Court,
Magalir Needhimandram (FTMC),
Udhagamandalam.
- 2.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Coonoor.



WEB COPY



Crl.R.C.No.2213 of 2023

M.NIRMAL KUMAR., J.

vv2

Crl.R.C.No.2213 of 2023

20.12.2023