



Crl.R.C.No.2223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2223 of 2023

and

Crl MP Nos.19936 & 20120 of 2023

Mrs.Pattammal

... Petitioner

Vs.

1. Mr.S.Manikandan

2. The State of Tamil Nadu,
Represented by the Public Prosecutor,
The Nilgiris.

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, set aside the judgement passed by the Sessions Judge of Magalir Neethimandra (FTMC), Uthagamandalam, The Nilgiris in C.A.No.30 of 2022 dated 21.08.2023 confirming the conviction and sentence passed by the Principal District Munsif cum Judicial Magistrate Court, Gudallur, in STC No.30 of 2017 dated 23.06.2023.



Crl.R.C.No.2223 of 2023

For Petitioner : Mr.G.Saisivaramaraj

For R1 : Mr.S.Ajith Kumar for R1

For R2 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Revision case has been filed to set aside the judgement passed by the Sessions Judge of Magalir Neethimandra (FTMC), Uthagamandalam, The Nilgiris in C.A.No.30 of 2022 dated 21.08.2023 confirming the conviction and sentence passed by the Principal District Munsif cum Judicial Magistrate Court, Gudallur, in STC No.30 of 2017 dated 23.06.2023.

2.The petitioner is an accused in a private complaint filed by the complainant for an offence under Section 200 of Cr.PC r/w.Section 138 of the Negotiable Instruments Act and the Trial Court in STC No.30 of 2017



convicted the petitioner and sentenced to undergo Simple Imprisonment for six months and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for two months in addition and further directed the petitioner to pay a sum of Rs.4,00,000/- to the complainant within a period of three months towards compensation under Section 357(3) of Cr.PC. Aggrieved by the same, the petitioner filed an appeal in CA No.30 of 2022 and the same was dismissed by the Lower Appellate Court on 21.08.2023. Challenging the same, the present Criminal Revision case has been filed before this Court.

3.The contention of the petitioner is that the respondent projected a case as though the petitioner and the respondent are family friends, the petitioner borrowed a sum of Rs.4,00,000/- from the respondent to meet the family expenses on 23.05.2016 and promised to repay the same on or before 23.09.2016. In discharge of the liability, the petitioner issued a cheque for a



sum of Rs.4,00,000/-. When the same was presented for encashment, it got dishonoured and thereafter, the respondent filed a private complaint.

4.The contention of the learned counsel for the petitioner is that the respondent is a total stranger to the petitioner. He would submit that it was one Thenmozhi, who had some chit transaction with the respondent and on her request, a signed blank cheque was given as security to D.W.2 on the promise that D.W.2 would pay the respondent and return back the cheque. The petitioner has got no transaction or any liability to be discharged towards the respondent. To prove the fact, the petitioner examined herself as D.W.1 and the said Thenmozhi as D.W.2, but the Trial Court disbelieved the explanation of the petitioner and convicted the petitioner and sentenced her six months simple imprisonment, imposed a fine of Rs.5,000/- and further directed the petitioner to pay a sum of Rs.4 lakhs to the complainant as compensation. He would further submit that the Apex Court as well as



this Court in several cases held that the Magistrate on conviction after imposing jail sentence and fine sentence, cannot order compensation.

Hence, on this ground alone the judgment of the Trial Court which was confirmed by the Lower Appellate Court to be set aside. Further, without going into the merits, the learned counsel for the petitioner submitted that since the petitioner is employed as Staff Nurse in a Government Hospital, due to the conviction sustained she approached the respondent and on the intervention of common friends, compromise was arrived between them and on 24.11.2023, the petitioner paid a sum of Rs.4 lakhs which was received by the respondent, for which a compromise deed was also entered which has been annexed in the typed set of papers. He further submitted that the respondent/complainant had given an undertaking that he will not pursue the case any further.

5.The learned counsel for the first respondent submitted that the



defence taken by the petitioner had been negatived and the Trial Court convicted the petitioner as stated above which was confirmed by the Lower Appellate Court. But he fairly submitted that compromise was entered into between the petitioner and the respondent on 24.11.2023 and the entire cheque of Rs.4 lakhs was paid.

6.The petitioner/accused has filed a compounding petition along with affidavit before this Court in Crl.M.P.No.20120 of 2023 in Crl.R.C.No.2223 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 through video conferencing. The respondent reaffirmed the compromise entered with the petitioner and filing of joint compromise memo.



Crl.R.C.No.2223 of 2023

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 compounded. Hence, the judgment of the trial Court, dated 23.06.2023 in S.T.C.No.30 of 2017 and the judgment of the lower appellate Court, dated 21.08.2023 in Criminal Appeal No.30 of 2022 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against her. The above case cannot be quoted against her in any proceedings. Consequently, the connected Crl.M.P.No.19936 of 2023 is closed.

21.12.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

cse/rka



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Crl.R.C.No.2223 of 2023

To

- 1.The Principal District Munsif cum
Judicial Magistrate Court, Gudallur,
- 2.The Sessions Judge,
Magalir Neethimandra (FTMC),
Uthagamandalam, The Nilgiris.
- 3.The Public Prosecutor,
The Nilgiris.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.2223 of 2023

M.NIRMAL KUMAR, J.

cse/rka

Crl.R.C.No.2223 of 2023

21.12.2023