



Crl.R.C.(MD).No.29 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.29 of 2023

S.Ganeshan

.. Petitioner/Appellant/Accused

Vs.

B.Sakthivel

.. Respondent/Respondent/
Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records and set aside the conviction and sentence passed in C.A.No.99 of 2018 dated 17.12.2019, on the file of VI-Additional Sessions Judge, Madurai, confirming the same in S.T.C.No.81 of 2016 dated 07.09.2018 on the file of learned Judicial Magistrate No.II (FTC Magistrate Level) Madurai.

For Petitioner : Mr. E.Marees Kumar

For Respondent : Mr. S.Ganesan

ORDER

This Civil Revision Case is filed to call for the entire records and set aside the conviction and sentence passed in C.A.No.99 of 2018 dated 17.12.2019, on the file of VI-Additional Sessions Judge, Madurai,



Crl.R.C.(MD).No.29 of 2023

confirming the same in S.T.C.No.81 of 2016 dated 07.09.2018 on the file of learned Judicial Magistrate No.II (FTC Magistrate Level) Madurai.

2. The accused and the complainant were known to each other and on 15.08.2015, the accused received a sum of Rs.6,00,000/-(Rupees Six Lakhs only) and towards the repayment of the above said amount, the accused issued two cheques on 14.10.2015 for Rs.6,00,000/-(Rupees Six Lakhs only) that was presented for payment and the same were returned as insufficient fund, statutory notice was issued to the accused and there was no reply. With the above allegation, the complainant filed a private complainant before the trial Court.

3.Before the trial Court, on the side of the prosecution, P.W.1 was examined and 7 documents were marked. On the side of the accused, the accused himself was examined as R.W.1 and the Bank Assistant Manager was examined as R.W.2 and 3 documents were marked. No materials object was exhibited.

4.At the conclusion of the trial proceedings, the trial Court found that there was a legal enforceable liability, finding so, he was convicted and



Crl.R.C.(MD).No.29 of 2023

sentenced to undergo six months of simple imprisonment and Rs.6,00,000/-(Rupees Six Lakhs only) as compensation. Challenging the above said conviction order, an appeal has been preferred in C.A.No.99 of 2018 before the learned VI Additional District and Sessions Judge, Madurai and the same was dismissed. Challenging the same, the present Criminal Revision Petition has been filed.

5. Pending revision it was informed before this Court that there was a compromise between the parties out of the Court. Joint compromise memo has been filed. Even though, the parties are absent, since the offence under Section 138 of Negotiable Instrument Act, there is not necessity for identification of parties.

6. The petitioner was directed to deposit 5% of the agreed amount to the credit of the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai and that was also complied.

7. Since the offence is compoundable offences and the matter entered into a compromise between the parties, the order passed by the learned Judicial Magistrate No.II (FTC Magistrate Level) Madurai dated 07.09.2018



Crl.R.C.(MD).No.29 of 2023

in S.T.C.No.81 of 2016, which was confirmed by the VI Additional District and Sessions Judge, Madurai in C.A.No.99 of 2018 dated 17.12.2019 is set aside. Accordingly, this Criminal Revision Case is allowed.

30.01.2023

NCC:Yes/No

Index : Yes / No

Internet : Yes / No

Indu

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD).No.29 of 2023

G.ILANGO VAN,J.

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Crl.R.C.(MD).No.29 of 2023

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