



Crl.R.C.(MD)No.308 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.02.2023

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.308 of 2022

and

Crl.M.P(MD) Nos.3918 and 3919 of 2022

P.Jeyanthi

... Petitioner / Respondent / Accused

Vs

R.Baluchamy

... Respondent / Petitioner / Complainant

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the Judgment passed in Criminal Appeal No. 126 of 2017 on the file of the 6th Additional Sessions Judge, Madurai, dated 30.10.2019 prepared against the judgment passed in S.T.C. No.1491 of 2012 on the file of the Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, dated 21.03.2014.

For Petitioner : Mr. Rajaraman.R

For Respondent : Mr. Sundaravel.K



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ORDER

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This Criminal Revision Case has been filed to call for the records and set aside the Judgment passed in Criminal Appeal No.126 of 2017 on the file of the 6th Additional Sessions Judge, Madurai, dated 30.10.2019 prepared against the judgment passed in S.T.C. No.1491 of 2012 on the file of the Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, dated 21.03.2014.

2. The accused and the complainant were known to each other and on 03.06.2012, the accused received a sum of Rs.7,00,000/-(Rupees Seven Lakhs only) and towards the repayment of the above said amount, the accused issued a cheque on 05.07.2012 for Rs.7,00,000/-(Rupees Seven Lakhs only) that was presented for payment and the same were returned as insufficient fund on 07.09.2012, statutory notice was issued to the accused on 13.09.2012 and the accused replied to that notice dated 28.09.2012 denying the averments in the statutory notice dated 28.09.2012. With the above allegation, the complainant filed a private complainant before the trial Court.

3.Before the trial Court, on the side of the complainant, P.W.1 was examined and 5 documents were marked. No witness was examined on the side



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of the defence.

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4. At the conclusion of the trial proceedings, the trial Court has acquitted the accused, against which, the appeal has preferred by the complainant and the appellate Court has passed the judgment that the accused found guilty and convicted and sentenced him to undergo one year S.I., and to pay a compensation of Rs.7,00,000/- to the complainant. 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.



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7. Since the offence is compoundable offences and the matter entered into a compromise between the parties, the judgment passed in Criminal Appeal No. 126 of 2017 on the file of the 6th Additional Sessions Judge, Madurai, dated 30.10.2019 against the judgment passed in S.T.C. No.1491 of 2012 on the file of the Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, dated 21.03.2014 is set aside. Accordingly, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petitions are closed.

13.02.2023

NCC : Yes/No

Index : Yes/No

Internet:yes/No

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To

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



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G.ILANGOVA,J.

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