



Crl.R.C.(MD).No.493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.493 of 2023
and
Crl.M.P(MD)Nos.7268 & 7269 of 2023

K.Bharathi @ Manickavasagam

... Petitioner

Vs.

U.Kalidasan

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the judgment and sentence passed in C.A.No.59 of 2021 dated 17.03.2022, on the file of the I Additional District and Sessions Court, (PCR), Thanjavur confirming the judgment and sentence passed in S.T.C.No.153 of 2018 dated 19.08.2021, on the file of the Judicial Magistrate (Fast Track Court), Thanjavur and set aside the same.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.C.P.Thiruchangu



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ORDER

This Criminal Revision Case has been filed against the Judgment dated 17.03.2022 passed by the learned I Additional District and Sessions Judge, I Additional District and Sessions Court (PCR), Thanjavur, in Crl.A.No.59 of 2021, confirming the Judgement dated 19.08.2021 passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur, in S.T.C.No.153 of 2018.

2. The case of the prosecution is that the complainant and the accused are friends. The petitioner approached the complainant/respondent and borrowed a sum of Rs.96,000,- on 10.01.2018 for his family expenses and to repay the same, the petitioner issued a cheque on 18.05.2018 drawn on Indian Overseas Bank, Valangaiman Branch. On 04.06.2018, when the complainant had presented the cheque, it was returned on 06.06.2018, as “insufficient fund”. Therefore, the respondent/complainant has issued a legal notice dated 27.06.2018, calling upon the petitioner to repay the cheque amount. The petitioner sent a reply on 13.07.2018 to the complainant/respondent. Thereafter, the petitioner did not repay the



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amount. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Fast Track Court, Thanjavur, the same was taken on file in S.T.C.No.153 of 2018.

3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned trial Judge, after following the procedure, examined PW.1 and D.W.1 and D.W.2, and perused the documents Ex.P1 to Ex.P6 and passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.96,000/- within a period of two months in default of payment of the compensation, the petitioner to undergo a further period of one month of simple imprisonment vide Judgment dated 19.08.2021 in S.T.C.No.153 of 2018.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.59 of 2021 on the file of the learned I Additional District and Sessions Judge, PCR Court, Thanjavur. The learned I



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Additional District and Sessions Judge also confirmed the same by order dated 17.03.2022. Hence, the petitioner preferred this revision before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for both parties submitted that the matter is now settled between the parties and filed the following Joint Compromise Memo:

“Joint Compromise Memo Filed by both the parties

1.It is submitted that the above said criminal revision petition filed by the petitioner challenging the judgment dated 17.03.2022 in C.A.No.59 of 2022 passed by the I Additional District and Sessions Judge, Thanjavur before this Court.

2. It is submitted that the above said petition came up for hearing on 01.06.2023 before this



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Hon'ble Court, the petitioner and the respondent stated that the entire issue settled between the parties and also the petitioner paid the entire cheque amount of Rs.96,000/- to the respondent and this Hon'ble Court recorded the same and directed the petitioner to pay a cost of Rs.5% in the total cheque amount of Rs.96,000/- to the Legal Aid Service Authority Committee. Thereafter the petitioner paid on 09.06.2023 to the said amount of Rs.4,800/- to the said committee.

It is therefore prayed that this Hon'ble Court may be pleased to set aside the judgment dated 17.03.2022 in C.A.No.59 of 2022 passed by the I Additional District and Sessions Judge, Thanjavur based on this joint compromise memo filed by the both parties and thus render justice.”

7. The petitioner and the respondent appeared before this Court and admitted the settlement arrived at between them. The joint compromise memo filed by both the parties is hereby recorded and the same shall be form part of the order.



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8. In view of the settlement entered between the parties, the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

9. In the result, this Criminal Revision Petition is allowed and the judgment dated 19.08.2021 in S.T.C.No.153 of 2018 passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur, and the judgment dated 17.03.2022 in Crl.A.No.59 of 2021 passed by the learned I Additional District and Sessions Judge (PCR), Thanjavur, are hereby set aside. The petitioner/accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. The respondent is entitled to withdraw the amount already deposited. Consequently, connected miscellaneous petitions are closed.

10.08.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

1. The Judicial Magistrate,
Fast Track Court, Thanjavur,
2. The I Additional District and Sessions Court (PCR),
Thanjavur.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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