



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10/01/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.84 of 2022

P.Sekar : Revision Petitioner/
Appellant/Sole Accused

Vs.

C.Kamuthurai : Respondent/Respondent/
Complainant

Prayer:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to set aside the judgment, dated 14/09/2021 passed in CA No.26 of 2021 by the Additional District and Sessions Judge, Theni at Periyakulam, confirming the judgment, dated 27/01/2020 passed in in STC No.59 of 2016 by the Judicial Magistrate, Fast Track Court, Theni.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.M.Kaliraj

**ORDER**

WEB COPY

This criminal revision has been filed seeking to set aside the judgment, dated 14/09/2021 passed in CA No.26 of 2021 by the Additional District and Sessions Judge, Theni at Periyakulam, confirming the judgment, dated 27/01/2020 passed in in STC No.59 of 2016 by the Judicial Magistrate, Fast Track Court, Theni.

2.The facts in brief:-

The complainant filed a private complaint stating that the accused borrowed a sum of Rs.2,500,000/- for his family and business requirement, on 25/12/2015 promising to return the above said amount. He issued a post-dated cheque, date 25/02/2016. The above said cheque was presented for payment on that date. But it was returned with an endorsement 'Insufficient Funds', on 29/02/2016. It was intimated to the accused by sending a demand statutory notice, dated 12/03/2016. But the same was returned by the accused on 14/03/2016. The private complaint was taken on file in STC No.59 of 2016 by the trial court.



3. On the side of the complainant, he was examined himself as PW1 and 4 documents marked. On the side of the accused, 3 witnesses have been examined and one document marked.

4. At the conclusion of the trial, the trial court found the accused guilty under section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo 5 months Simple imprisonment and to pay a compensation of Rs.2,50,000/- with 9% interest within one month, in default of payment of the compensation, the accused shall undergo a further period of two months of simple imprisonment.

5. Challenging the above said sentence and conviction, the accused preferred appeal before the appellate court namely Additional District and Sessions Court, Theni at Periyakulam in CA No.26 of 2020 and that was also dismissed, by judgment, dated 14/09/2021. Against the above said concurrent findings, this criminal revision has been preferred by the petitioner.



6. Pending revision, there was a compromise between the parties, by which the entire issue was settled. Since the compromise has been made at the revisional level, the accused was directed to deposit 5% of the agreed amount to the credit of the High Court Legal Services Authority, attached to this Bench. In pursuance of the above said order, the above said amount was also deposited on 06/01/2023 and the deposit voucher is also produced. Since, it is a compoundable offence, the matter has been compromised.

7. In view of the above said compromise and compliance, the judgment of conviction and sentence passed by the trial court as well as the appellate court are hereby set aside and the petitioner is acquitted of the charges levelled against him. The compromise memo shall form part and parcel of the this order. The fine amount, if any paid shall be refunded to the revision petitioner. Accordingly, this criminal revision stands **allowed.**

10/01/2023

Index: Yes/No
Internet: Yes/No
er



5

To,

WEB COPY

1. The Additional District and Sessions Court,
Theni at Peruyakulam.
2. The Judicial Magistrate,
Fast Track Court,
Theni.



WEB COPY



6

G . ILANGO VAN , J

er

Cr1.RC (MD) No.84 of 2022

10/01/2023



WEB COPY

