



Crl.R.C(MD)No.485 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.08.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.485 of 2023

and

Crl.M.P.(MD).No.7154 of 2023

Santhi

.. Petitioner

Vs.

karuppaiah

.. Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the conviction and sentence passed in C.A.No.24 of 2019 dated 06.01.2020, on the file of the Principal District and Sessions Court, Sivagangai, confirming the same in C.C.No.140 of 2016 dated 12.09.2018 on the file of the learned Judicial Magistrate No.1, Sivagangai.

For Petitioner : Mr.R.Murali

For Respondent : Mr.Chenkiz Khan

ORDER

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Principal District and Sessions Judge, Sivagangai, in Criminal Appeal No.24 of 2019 dated 06.01.2020, confirming the order in C.C.No.140 of 2016 dated 12.09.2018, on the file of the learned Judicial Magistrate No.1, Sivagangai.



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2. The petitioner borrowed a sum of Rs.25,00,000/- from the respondent on 26.05.2014. To discharge the said debt, she issued post dated cheque of Karur Vysya Bank, Gnanaolivupuram Branch, Madurai, bearing cheque No.000120 dated 04.12.2014. The respondent presented the cheque before the City Union Bank, Sivagangai Branch on 04.12.2014, the same was returned with an endorsement of “Funds Insufficient” on 05.12.2014. Therefore, the respondent issued the legal notice on 11.12.2014. Even though the petitioner received the same, she has not sent any reply and has not made any payment. In such circumstances, the respondent filed a complaint under Section 138 Negotiable Instruments Act, before the learned Judicial Magistrate No.1, Sivagangai. The learned Judicial Magistrate has taken the complaint on file in C.C.No.140 of 2016.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During the trial, both parties were entered into compromise. In view of the said compromise, the petitioner herein has paid a sum of Rs.6,00,000/- to the respondent herein. Further, the learned trial Judge was directed the petitioner to pay a sum of Rs.10,00,000/- to the respondent within a period of two months in default to undergo 2 months of simple imprisonment under Section 138 of Negotiable Instruments Act, by the Judgment dated 12.09.2018.



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4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.24 of 2019 on the file of the learned Principal District and Sessions Judge, Sivagangai. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. On 28.04.2023, this Court passed the following order:

When the matter is taken up for hearing today, the learned counsel for the petitioner as well as the learned counsel for the respondent would submit that the matter has already been settled between the parties and seeks time for filing compounding petition.

2. In view of the above, the petitioner is directed to deposit 5% of agreed amount before the Legal-Services-Authority attached to this Bench.

3. Post the matter on 16.06.2023.

6. Subsequently, 20.07.2023, this Court passed the following order:

The learned counsel for the petitioner submitted that, as per the order of this Court dated 28.04.2023, the petitioner herein has deposited 5% of agreed amount, before the Legal-Service-Authority attached to this Bench.

Post this matter in the next week for filing compounding petition.

7. Thereafter, this case was adjourned for two occasions and on 14.08.2023, this case was adjourned to 29.08.2023 for recording compromise



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between the parties. Today (29.08.2023), when the matter is taken up for hearing, the learned counsel appearing on either side present before this Court along with their clients respectively and submitted that the parties have already been settled their issues between themselves and the same was accepted by both parties. The said submission is hereby recorded.

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

9. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.1, Sivagangai, in C.C.No.140 of 2016 dated 12.09.2018, and confirmed by learned Principal District and Sessions Judge, Sivagangai, in Criminal Appeal No.24 of 2019 dated 06.01.2020, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against her. Bail bond if any, executed by the accused shall stand discharged. Consequently, connected Miscellaneous Petitions are closed.

29.08.2023

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



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To

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- 1.The learned Judicial Magistrate No.1,
Sivagangai.
- 2.The Principal District and Sessions Court,
Sivagangai.
- 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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