



Crl.R.C.(MD).No.275 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.275 of 2022

V.Rajathi

... Petitioners/Appellant/Accused

Vs.

Mr.D.Kandeeban

... Respondent/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 order in Crl.A.No.14 of 2021 before the learned Principal Sessions Judge, Theni District, dated 23.12.2021 in S.T.C.No.43 of 2018 on the file of the learned Judicial Magistrate Judicial Magistrate Fast Track Court, Theni, dated 21.12.2020 and set aside the same.

For Petitioner : M/s.Seeni Syed Amma
for M/s.Lajapathi Roy Associates
For Respondent : Mr.T.Wins



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ORDER

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This Criminal Revision Case has been filed to set aside the judgment of the Appellate Court passed by the learned Principal Sessions Judge, Theni District, in Crl.A.No.14 of 2021, dated 23.12.2021 confirming the Judgment in in S.T.C.No.43 of 2018 dated 21.12.2020 on the file of the learned Judicial Magistrate Judicial Magistrate Fast Track Court, Theni,

2. The petitioner borrowed a sum of Rs.4,00,000/- from the respondent on 04.02.2018. To discharge the said debt, she issued a cheque bearing No.565539, on 16.03.2018 drawn on State Bank of India, Uthamapalayam Branch. The respondent presented the said cheque before his Bank on 16.03.2018 and the same was returned on 17.03.2018 with an endorsement of “Funds Insufficient”. Therefore, the respondent issued the legal notice on 03.04.2018 and the same was received by the petitioner on 04.04.2018. However, she has not sent reply notice through her counsel and has not make any payment. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judicial Magistrate Fast Track Court, Theni. The learned Judicial Magistrate, taken the complaint on file in S.T.C.No.43 of 2018.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure conducted trial. He examined PW.1 and D.W.1 to D.W.3 and perused the documents Ex.P1 to Ex.P5 and passed the conviction under Section 138 of Negotiable Instruments Act to undergo 8 months Simple Imprisonment and directed to pay a compensation of Rs.4,00,000/- with an interest at the rate of 9% per annum by the Judgment dated 21.12.2020.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.14 of 2021 on the file of the learned Principal Sessions Judge, Theni District. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (07.08.2023), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo. The contents of the joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded. The terms of joint compromise memo are as follows:-



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Jurisdiction)**

Crl.R.C. No.375 of 2022

V. Rajathi (56/2022)
W/o. Ramakrishnan,
Near Perumal Kovil,
TBN Road,
Palanichettipatti,
Theni District.

Petitioner/ Appellant /Accused

- Vs -

Mr. D. Kandeeran (45/2022)
S/o. Deivandran,
No: 11-A, South Street,
Vadaputhupatti,
Periyasikulam Taluk,
Theni District.

Respondent/Respondent

JOINT COMPROMISE MEMO

I, Mrs. V. Rajathi, W/o. Ramakrishnan working as a teacher in Kichanur Government Higher Secondary School, Residing nearby Perumal Kovil, TBN Road, Palanichettipatti, Theni District and do hereby solemnly affirm and sincerely state as under:

1. I am the Petitioner herein and well acquainted with the facts of this case and as such competent to swear this affidavit on behalf of other petitioner.
2. I am the Appellant/accused and the Respondent/Complainant filed a complaint against me under section 200 of Cr.PC for offences under section 128 of Negotiable Instrument Act, as STC No. 43 of 2018 for alleging that I had borrowed a loan amount of Rs.4,00,000/- from the Respondent and I had issued a cheque bearing no. 565539 and which was returned as insufficient fund.

Petitioner

V. Rajathi

Respondent No.1

D. Kandeeran



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3. That the Trial Court had found guilty and convicted me and sentenced to undergo simple imprisonment of eight months and shall pay a compensation of Rs. 4,00,000/- along with interest at the rate of 9% per annum to the Respondent within a month and in default of payment of the compensation and I shall undergo a further period of two months. I had preferred an appeal against the Trial Court conviction in Criminal Appeal no. 14 of 2021 and which was dismissed. Thereafter I preferred this Revision now myself and respondent undertake that we will not proceed with the any further civil and criminal proceedings against both them regarding this cheque.
4. Both the petitioner and the Respondent are ready to compromise the Criminal Revision Petition in Crl.R.C.(MD) No 275 of 2022 before this Hon'ble Court
5. I conferred myself and respondent preferred this Joint compromise memo.

The Petitioner and the Respondent record the memo
Compromise on ^{11th} day of ^{August 2022} ~~June 2022~~

V. Rajan
Petitioner

S. S. S.
Respondent No.1

T. Seeni Syed Amma
Counsel for the Petitioner
[T. SEENI SYED AMMA]
FOR LAJAPATHI ROY AND ASSOCIATES

Iman
Counsel for the Respondent.

before me,
Jeyaraj
20/08/22
Place: Madurai, 2nd Floor,
Kannan Residency,
Yercaud, Madurai



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6. 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.

7. Accordingly, the conviction and sentence imposed by the Judicial Magistrate Fast Track Court, Theni, in S.T.C.No.43 of 2018 dated 21.12.2020 and confirmed by the learned Principal Sessions Judge, Theni District, in Crl.A.No.14 of 2021, dated 23.12.2021, 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.

07.08.2023

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

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To

- 1.The Principal Sessions Judge,
Theni District.
- 2.The Judicial Magistrate Fast Track Court,
Theni.
3. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

K.K.RAMAKRISHNAN, J.



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