



Crl.R.C.(MD)No.1200 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1200 of 2022

R.Pandian

... Petitioner/Accused

Vs.

P.Saravanan

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records in C.A.No.59 of 2020 on the file of the Additional District & Sessions Judge (FTC), Theni, dated 20.12.2021, confirming the judgment dated 29.01.2020 in S.T.C.No.793 of 2017 on the file of the Judicial Magistrate Court, Bodinayakanur and set aside the same.

For Petitioner : Mr.C.Muthu Saravanan

For Respondent : Mr.A.K.Baskara Pandian



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ORDER

This Criminal Revision Case has been filed to set aside the judgment in Crl.A.No.59 of 2020 on the file of the Additional District & Sessions Judge (FTC), Theni, dated 20.12.2021, confirming the judgment dated 29.01.2020 in S.T.C.No.793 of 2017 on the file of the Judicial Magistrate Court, Bodinayakanur.

2. The case of the complainant is that the revision petitioner had borrowed a hand loan of Rs.5,00,000/- on 19.03.2017 from the respondent and gave a cheque bearing No.000142, dated 19.06.2017 drawn on Karur Vysya Bank, Bodinayakanur Branch, Theni. The respondent presented the said cheque on 19.06. 2017 before the Indian Overseas Bank, Rasingapuram Branch and the same was returned on 22.06.2017 as "Funds Insufficient". So, the respondent issued a legal notice on 03.07.2017, but there was no response from the petitioner/accused. Therefore, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Bodinayakanur and the same was taken on file in S.T.C.No.793 of 2017.

3. At the conclusion of the trial, the Trial Court found the petitioner guilty and convicted the petitioner for the offence under Section 138 of Negotiable



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Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and ordered to pay a sum of Rs.5,00,000/- being the cheque amount as compensation vide judgment dated 29.01.2020.

4. Aggrieved by the same, the petitioner preferred the appeal before the Additional District and Sessions Court (FTC), Theni in Crl.A.No.59 of 2020. The learned Appellate Judge by the impugned judgment dated 20.12.2021 confirmed the judgment of the trial Court. Challenging the same, the petitioner filed this Criminal Revision Case before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Today (18.12.2023), when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent submitted that the matter is now compromised. The petitioner as well as the respondent are present before this Court and they are identified by their respective counsel. Both the parties have filed a joint compromise memo stating



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that they have amicably settled the issue out of Court and the respondent received the amount from the petitioner and entered into compromise. The contents of the Joint Compromise Memo are read over and explained to both parties and they would admit the same. The said compromise memo is recorded.

7. The learned counsel for the petitioner submitted that the petitioner has already deposited a sum of Rs.1,00,000/- before the trial Court and he has no objection to withdraw the said amount by the respondent/complainant.

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. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the Appellate Court are set aside and the accused is acquitted from the charges levelled against him.

9. The respondent/complainant is permitted to withdraw the sum of Rs.1,00,000/- (Rupees One lakh only) which was already deposited in the Trial Court by the revision petitioner/Accused. The bail bond if any, executed by the



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revision petitioner/accused shall stand discharged. The Joint Compromise Memo shall form part of this order.

18.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD

Note : Issue Order Copy on 20.12.2023

To

- 1.The Additional District & Sessions Judge (FTC),
Theni.
- 2.The Judicial Magistrate Court,
Bodinayakanur.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

ORDER MADE IN
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