



Crl.R.C.(MD).No.702 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.702 of 2023

and

Crl.M.P(MD).Nos.9764 and 9766 of 2023

P.Jeyaprakash

... Petitioner

Vs.

R.Ashok Kumar

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records and set aside the conviction and sentence passed in C.A.No.9 of 2021, dated 10.03.2022 on the file of the IV Additional District Court, Madurai confirming the orders made in STC.No.725 of 2016, dated 24.11.2020 on the file of the Judicial Magistrate No.II, (FTC), Madurai.

For Petitioner : Mr. R. Murali

For Respondent : Mr.K.Kaleeswaran



Crl.R.C.(MD).No.702 of 2023

ORDER

WEB COPY

This Criminal Revision Case has been filed to call for the records and set aside the conviction and sentence passed in C.A.No.9 of 2021, dated 10.03.2022 on the file of the IV Additional District Court, Madurai confirming the orders made in STC.No.725 of 2016, dated 24.11.2020 on the file of the Judicial Magistrate No.II, (FTC), Madurai.

2. The petitioner borrowed a sum of Rs.5,00,000/- from the respondent on 08.01.2016. To discharge the said debt, he issued the cheque, dated 18.03.2016 drawn on the bank Axis Bank, Ramanathapuram. The respondent presented the cheque before his Bank on 21.03.2016 and the same was returned on 23.03.2016 with an endorsement of “Account Blocked”. So the respondent issued the legal notice on 30.03.2016. The petitioner received the notice and he did not make any payment. So, the respondent filed complaint under Section 138 r/w 142 NI Act, before the learned Judicial Magistrate No.II, (FTC), Madurai. The learned Judicial Magistrate taken the complaint on file in STC.No.725 of 2016.



Crl.R.C.(MD).No.702 of 2023

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure and examined PW.1 and DW.1 and perused the documents Ex.A1 to Ex.A6 and Ex.B1 passed the conviction under Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.5,00,000/- in default to undergo one month Simple Imprisonment by the Judgment, dated 24.11.2020.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.9 of 2021 on the file of the IV Additional District Court, Madurai. The learned Appellate Judge also confirmed the same. Hence, petitioner preferred this revision before this Court.

5. During the pendency of the above revision, parties entered into a compromise and they filed the compromise memo. Today, the parties appeared before this Court and the petitioner counsel also filed a memo along with settlement agreement, dated 10.04.2023.

6. In view of the above compromise and the parties are also appeared before this Court and affirmed the terms of the compromise,



Crl.R.C.(MD).No.702 of 2023

this Court is inclined to order the compounding of offence under Section 147 of NI Act and 320 Cr.P.C.,

7. Since the offence are compoundable offence and more particularly the petitioner paid the entire amount as agreed between them, this Court is allowed this revision in the following terms:

(i) The memo and the settlement agreement, dated 10.04.2023 shall form part of this order.

(ii) The conviction and sentence of imprisonment and grant of compensation in STC.No.725 of 2016, dated 24.11.2020 on the file of the Judicial Magistrate No.II, (FTC), Madurai confirmed in C.A.No.9 of 2021, dated 10.03.2022 on the file of the IV Additional District Court, Madurai is hereby set aside.

Consequently, the connected Miscellaneous Petitions are closed.

18.07.2023

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



Crl.R.C.(MD).No.702 of 2023

To
WEB COPY

1. The Judicial Magistrate No.II, (FTC), Madurai.
2. The IV Additional District Court, Madurai



WEB COPY



CrI.R.C.(MD).No.702 of 2023

K.K. RAMAKRISHNAN. J.,

trp

Order made in

CrI.R.C(MD).No.702 of 2023 and
CrI.M.P(MD).Nos.9764 and 9766 of 2023

Dated : 18.07.2023