



Crl.R.C.(MD)No.394 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.394 of 2020

Ravi @ Kesava Ramanujam

.. Revision Petitioner/Appellant/
Sole Accused

Vs.

1. N.Murugasamy

.. 1st Respondent/1st Respondent/
Complainant

2. The State through,
The Public Prosecutor,
Dindigul District,
Dindigul.

.. 2nd Respondent/2nd Respondent

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for records and set aside the conviction and sentence passed in C.C.No.89 of 2017 by the learned Judicial Magistrate (Fast Track Court at Magisterial Level), Palani dated 30.10.2018 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months



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simple imprisonment and to pay a fine amount of Rs.3000/- in case failed to pay the fine amount to undergo one month simple imprisonment u/s. 255(2) Cr.P.C. and confirmed by the learned Additional District and Sessions Judge, Palani, in Criminal Appeal No.91 of 2018 dated 10.02.2020.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.D.Venkatesh for R1

: Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
for R2

ORDER

This Criminal Revision Case has been filed against the Judgment dated 10.02.2020 passed by the learned Additional District and Sessions Judge, Palani, in Crl.A.No.91 of 2018 confirming the judgement dated 30.10.2018 passed by the learned Judicial Magistrate (Fast Track Court at Magisterial Level), Palani, in C.C.No.89 of 2017.

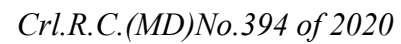
2. The petitioner borrowed a sum of Rs.5,22,500/- from the respondent on 29.12.2015. To discharge the said debt, he issued two



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cheques (Rs.2,61,250/- each) dated 05.01.2017 drawn on the Karnataka Bank, P.N.Road Branch. The respondent presented the cheque before his Bank and the same was returned on 02.02.2017 with an endorsement of “Insufficient Funds”. Thereafter, the respondent issued the legal notice on 27.02.2017. The petitioner received the notice on 06.03.2017 and he did not make any payment. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, (Fast Track Court at Magisterial Level), Palani. The learned Judicial Magistrate taken the complaint on file in C.C.No.89 of 2017.

3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned Trial Judge after following the procedure, examined PW.1 & PW.2, D.W.1 & D.W2 and perused the documents Ex.P1 to Ex.P6 and Ex.D1 to Ex.D6, passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months Simple Imprisonment and also directed to pay compensation of Rs.3,000/- (Rupees Three Thousand only), in default, to undergo further one month simple imprisonment,



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5. Heard the learned counsel appearing on either side.

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JOINT MEMO OF COMPROMISE

1) It is submit that revision petitioner was tried in C.C. No. 89 of 2017 by the Learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani for the offence punishable under section 138 of Negotiable Instruments Act. Against the revision petitioner the Learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani convicted and sentence revision petitioner in C. C. No. 89 of 2017 sentencing revision petitioner to undergo six Month simple imprisonment and to pay a fine amount of Rs 3000/- in case failed to pay the fine amount to under go one month simple imprisonment u/s 255(2) CrPC.

2) It is submit that against the said order of conviction and sentence in C. C. No. 89 of 2017, revision petitioner preferred an appeal in C.A. No. 91 of 2018 before the learned Additional District and Sessions Judge, Palani. Whereas learned Additional District and Sessions Judge, Palani confirmed the conviction and sentence passed by the Learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani in Criminal Appeal No. 91 of 2018 dated 10.02.2020.

A. I. S.
Revision Petitioner

M. J. S.

Respondent



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3) I submit that against the above said conviction of both the courts below revision petitioner have preferred a Criminal Revision before this Hon'ble Court and the same was number in Crl.R.C. (MD) No. 394 of 2020 and pending before this Hon'ble court.

4) It is further submitted that the Petitioner and 1st Respondent due to the intervention of the friends the matter is compromised between the revision Petitioner herein and the 1st Respondent, i.e., the Complainant in C.C.No. 89 of 2017 . Based upon the said compromise the parties are agreed not to proceed with the above said case and the 1st Respondent i.e. Complainant also agreed to receive Rs 4,00,000/- in order to give quiet to the dispute and the revision petitioner also paid the above said amount and the same may be recorded by this Hon'ble court .

Hence, this Hon'ble court may be pleased to record this Joint Memo of Compromise made by both the parties concerned and set aside the conviction and sentence passed in C. C. No. 89 of 2017 by the Learned Judicial Magistrate (Fast Track Court at Magisterial Level) Palani dated 30.10.2018 sentencing revision petitioner to undergo six Month simple imprisonment and to pay a fine amount of Rs 3000/- in case failed to pay the fine amount to under go one month simple imprisonment u/s 255(2) CrPC

M. J. S.

Revision petitioner

N. S. S.

Respondent.



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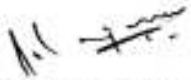
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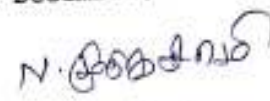
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and confirmed by the learned Learned Judicial Magistrate
(Fast Track Court at Magisterial Level) Palani in
Criminal Appeal No. 91 of 2018 dated 10.02.2020 and thus
render justice.

To that effect this memo is filed.

Dated at Madurai on this 13th day of December, 2023


Revision Petitioner
S. Saravanan Prudhan
Counsel for Revision
Petitioner


1st Respondent
N. Subramanian
Counsel for 1st Respondent

7. The contents of the above 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.

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



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compounded under Section 147 of the Negotiable Instruments Act.

9. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate (Fast Track Court at Magisterial Level), Palani, in C.C.No.89 of 2017 dated 30.10.2018 and confirmed by the learned Additional District and Sessions Judge, Palani in Crl.A.No.91 of 2018, dated 10.02.2020, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. The fine amount shall be refunded to the revision petitioner/accused. Bail bond if any, executed by the revision petitioner/accused shall stand discharged.

13.12.2023

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

To

1. The Additional District and Sessions Judge,
Palani.
2. The Judicial Magistrate,
(Fast Track Court at Magisterial Level) ,
Palani.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

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