



Crl. R.C.(MD)No.690 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 13.07.2023

Delivered On : 20.07.2023

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Hari Ramachandran

.. Petitioner

Vs.

1.Thanumoorthy
2.The State of Tamil Nadu Rep. by
Public Prosecutor,
Nagercoil.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the judgment dated 27.04.2019 passed in C.A.No.61 of 2015 on the file of the Principal Sessions Judge, Kanniyakumari at Nagercoil confirming the judgment dated 17.11.2015 passed in C.C.No.98 of 2013 on the Judicial Magistrate (Fast Track) Court No.I, Nagercoil.

For Petitioner	: Mr.V.Meenakshi Sundaram
For 1 st Respondent	: Mr.T.Selvakumaran
For 2 nd Respondent	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to set aside the judgment and



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conviction passed by the learned Principal Sessions Judge, Kanniyakumari, in Criminal Appeal No.61 of 2015 dated 27.04.2021 by confirming the judgment and conviction passed by the learned Judicial Magistrate (Fast Track) No.I, Nagercoil in C.C.No.98 of 2013 dated 17.11.2015.

2.When the matter was taken up for hearing, both side counsels are present before this Court and they represented that the matter was already settled between the parties through mediation and mediation report also filed.

3.This Court also perused the mediation report. As per the terms of the mediation report, the petitioner and first respondent agreed on 18.11.2022 to settle the matter on payment of Rs.3,00,000/- within 60 days from 18.11.2022 and on that day(18.11.2022) itself, the petitioner paid a sum of Rs.1,00,000/-. Further payments were made on 19.12.2022 and on 23.01.2023 as such the total amount of Rs. 3,00,000/- is paid. As per the direction of this Court, a sum of Rs.1,06,000/- has been deposited in the trial Court at Nagercoil. The first respondent Thanumoorthy is entitled to receive the said amount with interest from the trial Court, Nagercoil.

4.In view of the above mediation report, the matter has been settled between the parties and a sum of Rs.1,06,000/- is lying with the Court deposit of the



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learned Judicial Magistrate, Fast Track Court, Nagercoil. Both the parties agreed to receive the aforesaid amount with interest by the first respondent Thanumoorthy.

Therefore, the first respondent Thanumoorthy is directed to approach the learned Judicial Magistrate, Fast Track Court, Nagercoil for receipt of the said amount in accordance with law.

5.In view of above, this criminal revision petition is allowed and the judgment and conviction passed by the learned Principal Sessions Judge, Kanniyakumari, in Criminal Appeal No.61 of 2015 dated 27.04.2021 by confirming the judgment and conviction passed by the learned Judicial Magistrate (Fast Track) No.I, Nagercoil in C.C.No.98 of 2013 dated 17.11.2015, are hereby set aside and the accused is acquitted from the charge under Section 138 of Negotiable Instruments Act. The petitioner be set at liberty subject to other cases if any. The bail bond if any executed by the petitioner shall stand cancelled.

20.07.2023

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



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P.DHANABAL, J.

Mrn

To

- 1.The Principal Sessions Judge, Kanniyakumari.
- 2.The Judicial Magistrate (Fast Track) Court No.I, Nagercoil.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

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20.07.2023