



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.R.C(MD) No.246 of 2019

C.Thangavel

... Petitioner

-Vs-

P.Balasubramaniam

... Respondents

PRAYER:- Criminal Revision Petition is filed under section 397 and 401 of Cr.P.C to call for the records and set aside the order passed in C.A. No.62 of 2018 dated 17.10.2018 and the learned Additional Sessions Judge, Karur in confirming the sentence passed by the learned Judicial Magistrate/Fast Track Court (Magisterial Level) Karur in C.C. No.567 of 2013 dated 07.05.2018 and acquit the petitioner.

For Petitioners : Mr.R.Mathiyalagan

For Respondent : Mr.C.Ezhilarasu

ORDER

This Criminal Revision Petition has been filed to call for the records and set aside the order passed in C.A. No.62 of 2018 dated 17.10.2018 and the learned Additional Sessions Judge, Karur in confirming the sentence passed by the learned Judicial



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Magistrate/Fast Track Court (Magisterial Level) Karur in C.C. No.567 of 2013 dated 07.05.2018 and acquit the petitioner.

2. During pending proceedings both the petitioner and the respondent filed joint compromise memo wherein both parties settled the matter and as per the settlement memo sentence was already suspended on condition that the petitioner has to deposit a sum of Rs.1,05,000/- in C.C.No.567 of 2013 before the learned Judicial Magistrate, Fast Track Court(Magisterial Level) Karur and as per the direction the petitioner had deposited the said amount. Thereafter the petitioner has paid the entire cheque amount of Rs.5,25,000/- to the respondent.

3. In view of the said joint compromise memo and also the fact that the matter has been settled between the parties and the entire amount was paid to the respondent, this petition is allowed in terms of joint memo of compromise. The petitioner is at liberty to withdraw the amount by filing appropriate petition before the lower Court.



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4. Accordingly the Criminal Revision Petition is allowed and the judgement of the learned Additional Sessions Judge, Karur in C.A.No. 62 of 2018 dated 17.10.2018 in confirming the conviction and sentence passed by the learned Judicial Magistrate/Fast Track Court (Magisterial Level) Karur in C.C. No.567 of 2013 dated 07.05.2018 are hereby set aside and the accused is acquitted from the charge under Section 138 of the Negotiable Instrument Act. The bail bond if any executed by the petitioner shall stand cancelled and fine amount, if any, paid by him is ordered to be refunded forthwith.

31.07.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Additional Sessions Judge, Karur
2. The Judicial Magistrate/Fast Track Court (Magisterial Level) Karur



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P.DHANABAL, J.

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