



Crl.R.C.(MD) No.1245 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1245 of 2022

and

Crl.M.P.(MD)Nos.15685 of 2022 and 5956 of 2023

Malar

**...Petitioner/Appellant/
Accused**

Vs.

Marimuthu

**... Respondent/Respondent/
Complainant**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam made in Crl.A.No.76 of 2018 by the judgment dated 30.07.2019 confirming the conviction and sentence of imprisonment of 1 year Simple Imprisonment for the offence under Section 138 of Negotiable Instrument Act and also awarded compensation of Rs. 1,80,000/- payable by the accused to the complainant under Section 357(3) Cr.P.C. imposed by the learned Judicial Magistrate No.II, Kumbakonam made in S.T.C.No.1597 of 2012 by the judgment dated 22.06.2018 and set aside the judgments of the Courts below and acquit the petitioner.



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For Petitioner : Mr.B.Anandan

For Respondent : Mr.K.Guhan

ORDER

The Criminal Revision is directed against the Judgment of conviction and sentence passed in C.A.No.76 of 2018, dated 30.07.2019 on the file of the Additional District and Sessions Judge (Fast Track Court), Kumbakonam, confirming the Judgment of conviction and sentence, dated 22.06.2018 passed in S.T.C.No.1597 of 2012 on the file of the Judicial Magistrate No.2, Kumbakonam.

2. When the matter was taken up for hearing on 23.03.2023, considering the submissions made by the learned counsel appearing for the petitioner and the respondent that the matter was settled between the parties, this Court has directed the petitioner to deposit 5% of the agreed amount before the High Court Legal Service Authority attached to this Bench on or before 10.04.2023.

3. When the matter is taken for hearing today, the learned counsel appearing for the petitioner has filed a memo dated 10.04.2023 along with receipt to show that 5% of the agreed amount of Rs.9,000/- was deposited before the



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High Court Legal Services Committee, in pursuance of the direction of this Court.

The above said Memo dated 10.04.2023 is recorded.

4. The learned counsel appearing for the petitioner has also filed a petition under Section 147 of Negotiable Instruments Act r/w Section 320 Cr.P.C., wherein, it has been stated that the petitioner has paid a compensation of Rs.1,80,000/- (Rupees One Lakh and Eighty Thousand only) to the respondent.

5. In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of Negotiable Instruments Act. Hence, the Criminal Revision Petition is allowed and the judgments of the trial Court and the Appellate Court are set aside and the petitioner/accused is acquitted from the charges levelled against him. Consequently, Crl.M.P.(MD)No. 5956 of 2023 is ordered and Crl.M.P.(MD)No.15685 of 2022 is closed.

11.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

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ORDER MADE IN
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