



Crl.R.C(MD).No.858 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).No.858 of 2023

and

Crl.M.P.(MD).No.11413 of 2023

M.Manoharan

... Petitioner

Vs.

Dhanabalan

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the learned III Additional District Judge, Pattukkottai, Thanjavur District relating to the judgment dated 03.03.2023 made in Crl.A.No.72 of 2022, confirming the conviction and sentence passed by the learned Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District made in S.T.C.No.16 of 2021 by the judgment dated 30.08.2022 and set aside the same.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.E.Balasubramanian



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ORDER

This Criminal Revision Case has been filed against the order passed in C.A.No.72 of 2022 dated 28.06.2023 on the file of the learned III Additional District Judge, Pattukkottai, Thanjavur District which confirmed the judgment of conviction and sentence rendered by the learned Fast Track Court (Magisterial Level) Pattukkottai, Thanjavur District, dated 30.08.2022 in S.T.C.No.16 of 2021.

2. The petitioner borrowed a sum of Rs.5,00,000/- from the respondent on 27.10.2020. To discharge the said debt, he issued cheque on 28.12.2020 drawn on the State Bank of India, Pattukkottai Branch. The respondent presented the cheque in his Bank and the cheque was returned with an endorsement “Insufficient Funds”. Therefore, the respondent issued the legal notice on 30.12.2020. The petitioner herein refused to receive the same. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judge, Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur and the same was taken on file in STC.No.16 of 2021.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure, examined P.W.1 and perused the documents Ex.P.1 to Ex.P.7 and passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year Simple Imprisonment and further directed to pay the cheque amount of Rs.5,00,000/- and in addition to that a sum of Rs.20,000/- was imposed as fine, totally a sum of Rs.5,20,000/- was awarded to the respondent as compensation in default, to undergo two months Simple Imprisonment by the Judgment dated 30.08.2022.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.72 of 2022 on the file of the learned III Additional District Judge, Pattukkottai, Thanjavur District. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (28.08.2024), when the matter was taken up for hearing, both counsel on record would submit that the dispute between the parties is settled out of Court. Therefore, they seek to allow this case.



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7.The submissions made by the learned counsel appearing on either side is hereby recorded and in view of the compromise entered between the parties, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

8. Accordingly, the conviction and sentence imposed by the learned Judge, Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, in S.T.C.No.16 of 2021 dated 30.08.2022, and confirmed by learned III Additional District Judge, Pattukkottai, Thanjavur District in Criminal Appeal No.72 of 2022 dated 03.03.2023, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. Consequently, the connected miscellaneous petition is closed.

28.08.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm



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To

- 1.The II Additional District Court,
Pattukkottai,
Thanjavur District.
- 2.The Fast Track Court (Magisterial Level),
Pattukkottai,
Thanjavur District.
- 3.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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