



Crl.R.C.(MD)No.971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.971 of 2023

and

Crl.M.P(MD)Nos.12579 and 12582 of 2023

M.Arumugathai

... Petitioner/Appellant/Sole Accused

Vs.

T.Geetha

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the judgment made in C.A.No.85 of 2018 dated 15.11.2022 by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, by confirming the judgment passed by the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, in S.T.C.No.1988 of 2015 dated 18.06.2018 and set aside the same.

For Petitioner : Mr.A.Manikandan

For Respondent : Mr.K.Hariharan



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ORDER

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This Criminal Revision Case has been filed against the Judgment dated 15.11.2022 made in C.A.No.85 of 2018 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, by confirming the judgment passed by the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, in S.T.C.No.1988 of 2015 dated 18.06.2018.

2. The petitioner borrowed a sum of Rs.1,90,000/- from the respondent on 16.07.2015. To discharge the said debt, she issued a cheque, dated 07.09.2015 drawn on the State Bank of India, Sivakasi Branch. The respondent presented the cheque before his Bank and the same was returned on 21.09.2015 with an endorsement of “Insufficient Funds”. So, the respondent issued the legal notice on 30.09.2015. The petitioner received the notice on 01.10.2015 and she 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 No.I, Virudhuangar. The learned Judicial Magistrate taken the complaint on file in S.T.C.No.1988 of 2015.



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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, DW.1 & DW2 and perused the documents Ex.A1 & Ex.A2 and Ex.B1 to Ex.B3 and passed the conviction under Section 138 of Negotiable Instruments Act, and sentenced her to undergo one year Simple Imprisonment and also directed to pay compensation of Rs.1,90,000/- (Rupees one lakh ninety thousand only) vide Judgment dated 18.06.2018.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.85 of 2018 on the file of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur District. The learned Sessions Judge also confirmed the same by order dated 15.11.2022. Hence, the petitioner preferred this revision before this Court. Pending revision, petitioner was arrested and confined in Central Prison, Madurai.

5. Heard the learned counsel appearing on either side.

6. When this matter was taken up for hearing on 01.09.2023, this Court passed the following order:



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“The learned counsel for the petitioner submitted that compromise has been reached between the parties and settled the issue amicably between them. Today, he has also handed over the entire cheque amount to the learned counsel, who is representing the defacto complainant.

2. He has also acknowledged the same.

3. On the basis of the above acknowledgement, this Court is inclined to record the compromise and compound the offence.

4. For passing final order, post this matter on 04.09.2023 in the top of the list.”

7. Today, when the matter is taken up for hearing, both counsel on record submitted that the matter is now compromised. They further submitted that the petitioner was arrested on 23.08.2023 and now she is in jail. Hence, they are unable to file compromise memo before this Court.

8. Today, the respondent/defacto complainant also appeared before this Court and she affirmed the receipt of cheque amount of Rs.1,90,000/- (Rupees one lakh ninety thousand only) from her counsel and she has no objection to compound the offence.



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9. Considering the fact that the petitioner is confined in jail and hence, the learned counsels are unable to file the compromise memo before this Court, this Court recorded the affirmation statement of the respondent with regard to the receipt of the cheque amount.

10. In view of the above settlement of cheque amount, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act. Accordingly, this Criminal Revision Petition stands allowed. The impugned judgment made in C.A.No.85 of 2018 dated 15.11.2022 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and the impugned judgment dated 18.06.2018 passed by the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, in S.T.C.No.1988 of 2015 are hereby set aside and the accused is acquitted from the charges levelled against her. Consequently, connected miscellaneous petitions are closed.

04.09.2023

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

PJL

Note: Issue order copy on 04.09.2023.



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To

1. The Principal District and Sessions Judge,
Virudhunagar at Srivilliputhur District.
- 2.The Judicial Magistrate No.I,
Virudhunagar District.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
4. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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