



Crl.R.C.(MD).No.934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.934 of 2023
and
Crl.MP(MD)Nos.12235 & 12236 of 2023

S.Murugan

... Petitioner/Appellant/Accused

Vs.

1.P.Velmurugan

...1st Respondent/1st Respondent/
Complainant

2.The State Represented by,
The Additional Public Prosecutor,
Nagercoil.

... 2nd Respondent/2nd Respondent/
Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401(1) of Cr.P.C., to call for the records pertaining to the order passed in C.A.No.1 of 2017 on the file of learned Additional District Sessions Court (Fast Track), Nagercoil, dated 04.07.2023 confirming the order passed in S.T.C.No.48 of 2014 on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil, dated 09.12.2016 and set aside the same.

For Petitioners : M/s.S.C.Herold Singh

For R1 : Mr.L.Sahaya Varuvel Raja,

For R2 : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)



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ORDER

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This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Additional District Sessions Court (Fast Track), Nagercoil, in Crl.A.No.1 of 2017, dated 04.07.2023 confirming the Judgment in S.T.C.No.48 of 2014 dated 09.12.2016 on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil.

2. The petitioner borrowed a sum of Rs.3,50,000/- from the first respondent on 08.02.2013. To discharge the said debt, he issued a cheque on 25.11.2013 drawn on Indian Overseas Bank, Meenakshipuram. The first respondent presented the cheque before his Banker on 25.11.2013 and the same was returned on 26.11.2013 with an endorsement of "Funds Insufficient". Therefore, the first respondent issued a legal notice on 05.12.2013. Even though, the petitioner received the same on 06.12.2013, he has not come forward to settle the debt amount. But, sent a reply with false allegations. In such circumstances, the first respondent filed a complaint under Section 138 Cr.P.C., before the Fast Track Court (Magisterial Level) No.I, Nagercoil. The learned Magistrate taken the complaint on file in S.T.C.No.48 of 2014.



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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.6 and passed the conviction under Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and to pay a compensation of Rs.3,50,000/- in default, to undergo 1 month Simple Imprisonment by the Judgment dated 09.12.2016.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.1 of 2017 on the file of the learned Additional District Sessions Court (Fast Track), Nagercoil. The learned Appellate Judge also confirmed the same by the order dated 04.07.2023. Hence, the petitioner preferred this revision before this Court.

5. Today (24.08.2023), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo with the following terms and conditions:-

“4.It is submitted that due to the intervention of elders and friends, an amicable settlement has been arrived between the petitioners/1st party and the Complainant/2nd party and in



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accordance with the same, agreed for compromise and proposed to settle the issue amicably between both the parties with some conditions and settlements.

5.It is submitted that the alleged debt is to a tune of Rs.3,50,000/- and now the 1st party/Accused paid to a tune of Rs.3,50,000/- as a full settlement and the same was paid to the 2nd party/complainant on 29.07.2023 before the presence of both party Advocates.”

6.The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

7.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 Fast Track Court (Magisterial Level) No.I, Nagercoil, in S.T.C.No.48 of 2014 dated 09.12.2016 confirming the learned Additional District Sessions Court (Fast



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Track), Nagercoil, in Crl.A.No.1 of 2017, dated 04.07.2023, 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. The connected miscellaneous petitions are closed.

24.08.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The Additional District Sessions Court (Fast Track),
Nagercoil.
- 2.The Fast Track Court (Magisterial Level) No.I,
Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court,
Madurai.



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