



Crl.R.C.(MD).No.900 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.900 of 2021

B.Vairamani

... Petitioner/Appellant/Accused

Vs.

S.Gunasekaran

...Respondent/Respondent/Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed in C.A.No.19 of 2021 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, dated 17.11.2021 confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court(M.L) at Theni made in S.T.C. No.02 of 2019 at Theni, dated 25.01.2021 by allowing this Criminal Revision Petition.

For Petitioner : Mr. Guhan.K

For Respondent : Mr. Jeyakumar.B



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ORDER

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This Criminal Revision Case has been filed to call for the records and set aside the order passed in C.A.No.19 of 2021 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, dated 17.11.2021 confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court(M.L) at Theni, made in S.T.C. No.02 of 2019 at Theni, dated 25.01.2021 by allowing this Criminal Revision Petition.

2. The offence is under Section 138 of Negotiable Instrument Act. The defacto complainant filed a complaint stating that he and the revision petitioner are relatives. He borrowed a sum of Rs.10,00,000/- on 20.01.2018 for the development of his garment business and promised to repay the same within ten months. Towards discharge of the above said amount, he issued cheques on 12.11.2018, that was presented for payment on 12.11.2018, the same was returned as insufficient fund and he sent a notice on 22.11.2018 demanding payment of the amount which was received by the respondent by 24.11.2018 but no reply was given. He filed the above said complaint under Section 138 of Negotiable Instrument Act before the trial Court. The trial



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Court has convicted the accused sentenced to undergo one year S.I., and to pay a compensation of Rs.10,00,000/- with an interest at the rate of 9% per annum from the date of dishonour, against which, the appeal has been preferred by the complainant before the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni in C.A.No.19 of 2021, in which, the judgment of conviction and sentence was confirmed, against which, this revision has been preferred. Pending revision, compromise has been entered between the parties before the Mediation Centre.

3. Since there is a settlement between the parties before the Mediation Centre, this Revision Case preferred by the accused is allowed and the judgment of conviction and sentence passed by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, in C.A.No.19 of 2021 dated 17.11.2019 is set aside.



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4. The respondent is permitted to withdraw the amount of Rs.2,50,000/- which was deposited by the petitioner before the trial Court, for which, the Revision Petitioner has no objection. The Mediation Report shall form part of the order.

07.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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