



CrI.R.C.(MD).No.1044 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.10.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VADAMALAI

CrI.R.C.(MD).No.1044 of 2023

Kaniraj

...Petitioner/Accused

Vs.

Madasamy

... 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 pertaining to the case in C.A.No.80 of 2018, dated 18.08.2023 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, by confirming the judgment passed by the Judicial Magistrate Court No.II, Sattur in C.C.No.78 of 2014, dated 20.06.2018 and set aside the same and to allow this Criminal Revision.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.G.Lakshmanan



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ORDER

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2.The case of the complaint is that the petitioner borrowed a sum of Rs.5,00,000/- on 02.06.2014 and he has promised to repay the amount within one month and on the same day, the petitioner issued a Cheque Bearing No.899570 dated 02.07.2014 of Indian Overseas Bank, Vembakottai Branch. After completion of one month period, the respondent presented the cheque for collection before the Karur Vysya Bank, Palayankottai on 04.07.2014 and the same was returned on 05.07.2017 as "insufficient funds". So, the respondent sent a legal notice to the petitioner on 14.07.2014 and the same was returned to the respondent on 23.07.2014 as "unclaimed". Therefore, the respondent filed a complaint under Section 138 and 142 of the Negotiable Instruments Act, before the learned Judicial Magistrate No.II, Sattur. The learned Judicial Magistrate taken the complaint on file in C.C.No.78 of 2014.



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3. Before the Trial Court, on the side of the prosecution one witness was examined as PW1 and five documents were marked as Ex.P1 to Ex.P5. On the side of the accused two witnesses have been examined as D.W.1 and D.W.2 and two documents were marked as Ex.R1 and Ex.R2.

4. At the conclusion of the trial, the Trial Court found the petitioner guilty and convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for a period of one year and to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent, in default, to undergo simple imprisonment for a period of six months vide judgment dated 20.06.2018.

5. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.80 of 2018 on the file of the learned Principal District and Sessions Judge Virudhunagar District at Srivilliputhur. The learned Sessions Judge also confirmed the same by its judgment dated 18.08.2023. Hence, the petitioner preferred this revision before this Court.



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6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

7. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent submitted that the matter is now compromised. The petitioner as well as the respondent are present before this Court and they are identified by their respective counsel. Both the parties have filed a joint compromise memo stating that the offence is compoundable one and they settled their disputes and the respondent has also received a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft No.762447, dated 10.10.2023 as full and final settlement. The contents of the joint compromise memo are read over and explained to both parties and they would admit the same. The said compromise memo is recorded.

8. 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. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the



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Appellate Court are set aside and the accused is acquitted from the charges levelled against them. Bail bond if any, executed by the accused shall stand discharged.

19.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

vsd

To

1.The Principal District and Sessions Court,
Virudhunagar District at Srivilliputhur.

2.The Judicial Magistrate Court No.II,
Sattur.

3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

vsd

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