



Crl. R.C.(MD)No.970 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 13.07.2023

Delivered On : 20.07.2023

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Subhan

.. Petitioner

Vs.

Vanaja

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the judgment of conviction passed by the learned I Additional Sessions Judge(FAC), Tirunelveli in Criminal Appeal No.120 of 2018 dated 24.09.2021 by confirming the order of conviction and sentence passed by the learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.232 of 2017 dated 07.09.2018 and set aside the same as illegal.

For Petitioner : Mr.S.Vikram
For Respondent : Mr.R.Karunanithi

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the judgment and conviction passed by the learned I Additional Sessions Judge (FAC), Tirunelveli, in Criminal Appeal No.120 of 2018 dated 24.09.2021 by



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confirming the judgment and conviction passed by the learned Judicial Magistrate

No.III, Tirunelveli in S.T.C.No.232 of 2017 dated 07.09.2018.

2.When the matter was taken up for hearing, both side counsels are present before this Court and they represented that the matter was already settled between the parties through mediation and mediation report also filed.

3.This Court also perused the mediation report. As per the terms of the mediation report, the petitioner agreed to pay a sum of Rs.3,40,000/- and the respondent agreed to receive the said amount as final settlement. On 24.02.2023, a sum of Rs.1,75,000/- was paid by the petitioner. On 10.03.2023, a sum of Rs. 10,000/- was paid. Further already the petitioner deposited a sum of Rs.62,000/- before the learned Judicial Magistrate No.III, Tirunelveli through challen dated 23.10.2018, and on 11.01.2022, the petitioner has deposited a sum of Rs.93,000/-. As per directions of this Court, a total sum of Rs.1,55,000/- was deposited before the trial Court and now the sum is lying with the Court deposit. The above said amount is ordered to be paid to the respondent.

4.In view of the above mediation report, the matter has been settled between the parties and a sum of Rs.1,55,000/- is lying with the Court deposit of the



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learned Judicial Magistrate No.III, Tirunelveli. Both the parties agreed to receive the same by the respondent herein. Therefore, the respondent is directed to approach the learned Judicial Magistrate No.III, Tirunelveli for receipt of the said amount in accordance with law.

5.In view of above, this Criminal Revision Case is allowed and the judgment and conviction passed by the learned I Additional Sessions Judge (FAC), Tirunelveli, in Criminal Appeal No.120 of 2018 dated 24.09.2021, by confirming the judgment and conviction passed by the learned Judicial Magistrate No.III, Tirunelveli in S.T.C.No.232 of 2017 dated 07.09.2018, are hereby set aside and the accused is acquitted from the charge under Section 138 of Negotiable Instruments Act. The petitioner be set at liberty subject to other cases if any. The bail bond if any executed by the petitioner shall stand cancelled.

20.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Mrn



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P.DHANABAL, J.

Mrn

To

- 1.The I Additional Sessions Judge (FAC), Tirunelveli
- 2.The Judicial Magistrate No.III, Tirunelveli.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

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20.07.2023