



Crl.R.C.(MD)No.197 of 2023

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K.MURALI SHANKAR,J.

This matter is listed today under the caption “For Being Mentioned” at the instance of the learned Counsel for the petitioner.

2. This Court in Crl.R.C(MD)No.197 of 2020, recording the compromise entered into between the parties, invoking Section 147 of Negotiable Instruments Act permitted to compound the offence under Section 138 of Negotiable Instruments Act and thereby setting aside the judgment of the trial Court as well as the Appellate Court and acquitting the accused from the charges levelled against him and further permitted the respondent to withdraw the amount deposited by the petitioner.

3. When the matter is taken up for hearing today, the learned counsel for the respondent would submit that in pursuance of the directions of this Court, they have filed a memo before the Judicial Magistrate Court, Karur, seeking refund of the amount deposited by the revision petitioner, but the learned Magistrate has returned the same raising a query that the order does not specify the refund amount and the forum before which refund is to be sought, was not clear.



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4. As rightly contended by the learned counsel for the petitioner as well as the respondent that a sum of Rs.1,00,000/- was deposited by the revision petitioner before the same Court, which now returned the present memo. Since the amount was deposited before the concerned Court and the same is available before that Court, the question of specifying the name of the Court and the amount does not arise at all. Hence, the impugned return is totally unwarranted. Since the learned Magistrate has returned the memo raising the above query, the following paragraph is substituted in the order, dated 27.04.2023 in CrI.R.C(MD)No.197 of 2020, as paragraph No.4.

“4.In view of the above, 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 Appellate Court are set aside and the accused is acquitted from the charges levelled against him. The respondent is permitted to withdraw the amount of Rs.1,00,000/- deposited by the petitioner before the Judicial Magistrate (Fast Tract) Court, Karur. Consequently, CrI.M.P.(MD)No.6537 of 2023, is ordered.”



WEB COPY 5. Registry is directed to make necessary corrections and issue fresh order copy to the parties concerned and call for an explanation from the concerned Court.

18.01.2024

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K.MURALI SHANKAR,J.

das

Cr1.R.C.(MD)No.197 of 2023

18.01.2024



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.197 of 2020
and
Crl.M.P.(MD)No.6537 of 2023

R.Jyothimurugan : Petitioner/Appellant/Accused

Vs.

P.Vivekananthan :
Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, against the judgment passed in C.C.No.408 of 2017 on the file of the learned Judicial Magistrate (Fast Track Court), Karur on 17.05.2019 which was subsequently, confirmed by the learned Additional Sessions Judge/FTMC, Karur in C.A.No.77 of 2019 on 12.12.2019.

For Petitioner : Mr.G.R.Sathish,

For Respondent : Mr.V.Muthu Kamatchi

ORDER

The Criminal Revision Case is directed against the Judgment of



conviction passed in C.A.No.77 of 2019, dated 12.12.2019 on the file of the learned Additional Sessions Judge/FTMC, Karur, confirming the Judgment of conviction and sentence, dated 17.05.2019 passed in C.C.No.408 of 2017 on the file of the learned Judicial Magistrate Court (Fast Track Court), Karur.

2. When the matter was taken up for hearing on 20.03.2023, considering the submission made by the learned counsel for the petitioner and the respondent that the matter was settled between the parties, this Court has directed the petitioner to deposit 5% of the agreed amount before the High Court Legal Service Authority of this Bench.

3. Today (27.04.2023), when the matter is taken for hearing, the learned counsel for the petitioner has filed a memo along with receipt to show that 5% of the agreed amount of Rs.15,000/- was deposited before the High Court Legal Services Committee, in pursuance of the directions of this Court and he has also filed a petition under Section 147 of the Negotiable Instruments Act wherein it has been stated that the petitioner has deposited a sum of Rs.3,00,000/-. The memo is recorded.

4. In view of the above, 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 Appellate Court are set aside and

the accused is acquitted from the charges levelled against him. The

respondent is permitted to withdraw the amount deposited by the petitioner.

Consequently, CrI.M.P.(MD)No.6537 of 2023, is ordered.

27.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

das

To

1.The Judicial Magistrate (Fast Track Court),
Karur.

2.The Additional Sessions Judge/FTMC,
Karur.

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.197 of 2020
and
Crl.M.P.(MD)No.6537 of 2023

27.04.2023