



CrI.R.C.(MD)No.493 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.R.C.(MD)No.493 of 2019

Elavazhuthi ... Accused/Appellant/Appellant/Petitioner
Vs.

R.Muruganantham ... Complainant/Respondent/
Respondent/Complainant

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to set aside the judgment of the learned Judicial Magistrate Court, Sathankulam in S.T.C.No.114 of 2013, dated 15.04.2016 and confirmed by the learned I Additional District and Sessions Judge, Thoothukudi in C.A.No.16 of 2016 dated 03.11.2016 and the petitioner herein.

For Petitioner : Mr.S.Mani

For Respondent : Mr.V.Sasikumar

ORDER

This Criminal Revision Petition has been filed to to set aside the judgment of the learned Judicial Magistrate Court, Sathankulam in S.T.C.No.114 of 2013, dated 15.04.2016 and confirmed by the learned I



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Additional District and Sessions Judge, Thoothukudi in C.A.No.16 of 2016 dated 03.11.2016 and the petitioner herein.

2. When the matter is taken up for hearing today, the learned counsel appearing for the revision petitioner/accused would submit that the cheque amount involved in this case is Rs.2,00,000/- and at the time of admission of criminal revision and suspension of sentence, the petitioner/accused was directed to deposit Rs.1,00,000/- to the credit of S.T.C.No.114 of 2013, pursuant to which, the petitioner has deposited the said amount before the learned Judicial Magistrate Court, Sathankulam, on 04.12.2019. Subsequently, the matter has also been compromised between the parties. Pursuant to which, the petitioner has also paid further amount of Rs.1,00,000/- by way of demand draft and the respondent/complainant has also acknowledged the receipt to the same. Now the parties have settled the matter and they have decided to compound the offence and they have also filed a Joint Compromise Memo before this Court and thereby, the revision may be allowed based on the Joint Compromise Memo and the conviction and sentence imposed by the trial Court, which has been confirmed by the



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Appellate Court may be set aside and the respondent/Complainant may be permitted to withdraw the amount of Rs.1,00,000/- lying in the deposit of the trial Court.

3.The learned counsel appearing for the respondent/complainant would submit that the matter has been compromised between the parties and he would also submit that they have also executed a joint compromise memo and the parties are also present before this Court. The parties are identified by their respective counsels.

4.Both parties have agreed to the terms of the joint compromise memo, which reads as follows:-

“1.It is submitted that the respondent filed a complaint under Section 119(1)(a) of Cr.P.C r/w Section 142 of Negotiable Instruments Act on the file of the learned Judicial Magistrate, Sathankulam in S.T.C.No.114 of 2013. The learned Judicial Magistrate, Sathankulam by judgment, dated 15.04.2016 convicted the revision petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 1 year Rigorous



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Imprisonment and a fine for a sum of Rs.2000/- in default, to undergo 1 month Simple Imprisonment. Against the Judgment, the revision petitioner filed C.A.No.16 of 2016 on the file of the learned I Additional District and Sessions Judge, Thoothukudi and the same was also dismissed. Against which, the revision petitioner filed the present criminal revision petition before this Court.

2.It is submitted that at the time of suspending the sentence, this Court by its order dated 13.10.2019 in Cr.M.P.(MD)No.9299 of 2019 in Crl.R.C.(MD)No.493 of 2019 imposed a condition to deposit a sum of Rs.1,00,000/- within a period of six weeks from the date of receipt of a copy of that order. As per the direction of this Court, the revision petitioner has deposited the said amount on the credit of S.T.C.No.114 of 2013 on the file of the learned Judicial Magistrate, Sathankulam.

3.It is submitted that the revision petitioner also paid a sum of Rs.1,00,000/- through Demand Draft bearing No. 886957 drawn on Tamil Nadu Mercantile Bank, Sathankulam Branch. It is submitted that the offences convicted by the courts below are compoundable in nature and the respondent/complainant received a sum of Rs. 1,00,000/- by way of Demand Draft and agreed to receive a sum of Rs.1,00,000/- from the deposit made in S.T.C.No.114



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WEB COPY *of 2013 on the file of the learned Judicial Magistrate,
Sathankulam and agreed to settle the issue.”*

5.In view of the above, the Criminal Revision Petition stands allowed and the order passed by the learned Judicial Magistrate Court, Sathankulam in S.T.C.No.114 of 2013, dated 15.04.2016, which was confirmed by the learned I Additional District and Sessions Judge, Thoothukudi in C.A.No.16 of 2016, dated 03.11.2016, is set aside. The learned Judicial Magistrate, Sathankulam is directed to return the amount of Rs.1,00,000/-, which was deposited into the credit of S.T.C.No.114 of 2013 to the respondent/complainant on filing proper application. The joint compromise memo filed by both parties shall form part of the Court records.

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NCC: Yes/No
Index : Yes/No
Internet: Yes/No
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A.D.JAGADISH CHANDIRA, J.

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To

- 1.The Judicial Magistrate Court, Sathankulam.
- 2.The I Additional District and Sessions Judge, Thoothukudi.
- 3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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