



Crl.R.C.(MD)No.861 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.861 of 2019
and
Crl.M.P(MD)No.16761 of 2023

Jawahar Appasamy .. Appellant/Respondent/Accused

Vs.

Vellapandi .. Respondent/Appellant/Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the case in C.A.No.92 of 2018 passed by the learned III-Additional District and Sessions Judge, Tirunelveli by judgment dated 08.11.2019 by reversing the judgment of acquittal passed by the learned Judicial Magistrate, Sankarankovil in C.C.No.48/2013 by judgment dated 05.07.2018 and set aside the same.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.R.J.Karthick



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ORDER

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This Criminal Revision Petition has been filed against the judgment dated 08.11.2019 in C.A.No.92 of 2018 passed by the learned III-Additional District and Sessions Judge, Tirunelveli by reversing the judgment of acquittal dated 05.07.2018 passed by the learned Judicial Magistrate, Sankarankovil in C.C.No.48 of 2013.

2. The facts of the case is that the revision petition and the respondent are well known to each other since they are residing in the same street for long period. On 04.11.2012 the petitioner borrowed a sum of Rs.50,000/- from the respondent. To discharge the said debt, he issued a cheque on 01.02.2013 for Rs.50,000/- drawn in the Indian Overseas Bank, Sankarankovil Branch. The respondent presented the cheque before his Bank and the same was returned on 04.02.2013 with an endorsement of “Insufficient Funds”. So, the respondent issued the legal notice on 05.02.2013. The petitioner received the notice and sent reply on 19.02.2013 and he did not make any payment. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Sankarankovil.



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The learned Judicial Magistrate taken the complaint on file in C.C.No.48 of 2013.

3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned Trial Judge after following the procedure, examined PW.1 and D.W.1 and perused the documents Ex.P1 to Ex.P6 and Ex.D1 to Ex.D5 and found that the accused is not guilty under Section 138 of Negotiable Instruments Act, and acquitted him vide Judgment dated 05.07.2018.

4. Aggrieved over the same, the respondent filed the Criminal Appeal in Crl.A.No.92 of 2018 on the file of the learned III-Additional District and Sessions Judge, Tirunelveli. The learned Sessions Judge reversed the said judgment of the trial Court and passed the conviction under Section 138 of Negotiable Instruments Act, and sentenced him to undergo six months Simple Imprisonment and also directed to pay compensation of Rs.50,000/- (Rupees Fifty Thousand only) vide judgment dated 08.11.2019. Hence, the petitioner preferred this revision before this Court.



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5. Heard the learned counsel appearing on either side.

6. Today, when the matter is taken up for hearing, the revision petitioner/accused appeared before this Court along with his counsel and submitted that among the total cheque amount of Rs.50,000/-, he had already deposited Rs.25,000/- before the Court and he also agreed to the respondent to withdraw the same with interest. Further, he submitted that today he is ready to handover the remaining cheque amount of Rs.25,000/- by way of cash and accordingly, he also handed over Cash of Rs.25,000/- across the bar. The same was received by the learned counsel for the respondent.

7. In view of the same, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

8. In the result, this Criminal Revision Petition is allowed and the Judgment dated 08.11.2019 in C.A.No.92 of 2018 passed by the learned



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III-Additional District and Sessions Judge, Tirunelveli is set aside and the revision petitioner is acquitted from the charges levelled against him. Bail bond if any, executed by the revision petitioner/accused shall stand discharged. Consequently, connected miscellaneous petition is closed.

14.12.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PJJ

To

1. The III-Additional District and Sessions Judge,
Tirunelveli.
2. The Judicial Magistrate,
Sankarankovil.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

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