



Crl.R.C.(MD).No.1168 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

**Crl.R.C(MD).No.1168 of 2022 and
Crl.M.P(MD).Nos.7254 and 14755 of 2022**

P.Kanagam

... Petitioner

Vs.

S.Radhakrishnan

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records from the lower Courts and set aside the Judgment of the Appellate Court passed by the Learned Additional District and Sessions Court (Fast Track), Nagercoil in Crl.A.No.73 of 2017, dated 02.09.2022 confirming the Judgment in STC.No.258 of 2014, dated 05.05.2017 on the file of the Learned Fast Track Court (Magisterial Level) No.I, Nagercoil.

For Petitioner : Mr. T. Wins

For Respondent : No appearance.



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ORDER

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This Criminal Revision Case has been filed to call for the records from the lower Courts and set aside the Judgment of the Appellate Court passed by the Learned Additional District and Sessions Court (Fast Track), Nagercoil in Crl.A.No.73 of 2017, dated 02.09.2022 confirming the Judgment in STC.No.258 of 2014, dated 05.05.2017 on the file of the Learned Fast Track Court (Magisterial Level) No.I, Nagercoil.

2. The petitioner borrowed a sum of Rs.3,00,000/- from the respondent on 21.06.2014. To discharge the said debt, she issued the cheque, dated 21.07.2014 drawn on the bank of Oriental Bank of Commerce. The respondent presented the cheque before his Bank on 21.07.2014 and the same was returned on 22.07.2014 with an endorsement of “funds in-sufficient”. So the respondent issued the legal notice on 30.07.2014. The petitioner received the notice on 31.07.2014 and she did not make any payment. In such circumstances, the respondent filed complaint under Section 138 r/w. 142 NI Act r/w. 200 Cr.P.C., before the Fast Track Court (Judicial Magistrate Level) No.I, Nagercoil. The learned Judicial Magistrate taken the complaint on file in



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STC.No.258 of 2014.

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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure and examined PW.1 and DW.1 to DW.3 and perused the documents Ex.A1 to Ex.A7 passed the conviction under Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.3,00,000/- by the Judgment, dated 05.05.2017.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.73 of 2017 on the file of the Additional Sessions Court (Fast Track) Nagercoil. The learned Appellate Judge also confirmed the same. Hence, petitioner preferred this revision before this Court.

5. During the pendency of the above revision, parties entered into a compromise and they filed the compromise memo. To record the compromise memo this Court directed the parties to appear before this Court. The parties appeared on 25.01.2023. This Court after recording the compromise, directed to pay a sum of Rs.15,000/- to the Legal



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Service Authority on or before 14.02.2023. The said direction was complied by the petitioner. Thereafter, they filed the compounding petition before this Court in Crl.M.P(MD).No.7254 of 2023.

6. In view of the above compromise and the parties are also appeared before this Court and affirmed the terms of the compromise, this Court is inclined to order the compounding of offence under Section 147 of NI Act and 320 Cr.P.C.,

7. Since the offence are compoundable offence and more particularly the petitioner paid the entire amount as agreed between them, this Court allowed this revision in the following terms:

(i) The compounding petition filed in Crl.M.P(MD).No.7254 of 2023 is allowed.

(ii) The conviction and sentence of imprisonment and grant of compensation in STC.No.258 of 2014 on the file of the learned Fast Track (Magisterial Level) No.I, Nagercoil confirmed in Crl.A.No.73 of 2017 on the file of the learned Additional District Sessions Court (Fast



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Track) Nagercoil is hereby set aside.

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Consequently, the connected Miscellaneous Petition is closed.

18.07.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The Additional District and Sessions Court (Fast Track), Nagercoil.
2. The Fast Track Court (Magisterial Level) No.I, Nagercoil.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in

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Dated : 18.07.2023