



CrI.R.C.(MD)No.169 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.12.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

CrI.R.C.(MD)No.169 of 2023

and

CrI.M.P(MD)No.2430 of 2023

Deepa. P.Nair @ Deepakumari

... Revision Petitioner/Accused

Vs.

Anilkumar

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records from the Lower Court and duly set aside the order passed by the Additional District & Sessions Judge, Kuzhithurai, Kaniyakumari District in C.A.No.64 of 2017, dated 17.08.2022, confirming the judgment of the Judicial Magistrate No.1, Kuzhithurai, Kaniyakumari District in S.T.C.No.4679 of 2010, dated 05.04.2017 by allowing this revision.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.K.N.Thampi



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ORDER

This Criminal Revision Case has been filed to set aside the judgment passed by the Additional District & Sessions Judge, Kuzhithurai, Kanyakumari District in C.A.No.64 of 2017, dated 17.08.2022, confirming the judgment of the Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District in S.T.C.No.4679 of 2010, dated 05.04.2017.

2.The case of the complainant is that the revision petitioner had borrowed a sum of Rs.5,00,000/- on 20.06.2010 from the respondent and to settle the amount, the revision petitioner had issued a cheque bearing No.0324631, dated 20.08.2010, drawn on South Indian Bank Ltd., Pilamoothukada Branch. The respondent presented the cheque for collection on 02.09.2010 through State Bank of Travancore, Konnumsmoodu Branch and the same was returned with bank memo "Insufficient Funds". Thereafter, the statutory notice was issued to the revision petitioner on 12.10.2010 to return the amount of Rs.5,00,000/- covered under the cheque within 15 days from the date of receipt of notice. After receipt of the notice on 14.10.2010, there was no response from the revision petitioner.



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Hence, the respondent filed a complaint before the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District and the same was taken on file in S.T.C.No.4679 of 2010.

3.At the conclusion of the trial,the Trial Court found the petitioner guilty and convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of two months and further the revision petitioner is ordered to pay a sum of Rs.5,00,000/- being the cheque amount as compensation vide judgment dated 05.04.2017.

4. Aggrieved by the same, the petitioner preferred the appeal before the Additional District and Sessions Court, Kuzhithurai in Crl.A.No.64 of 2017. The learned Appellate Judge by the impugned judgment dated 17.08.2022 confirmed the judgment of the trial Court. Challenging the same, the petitioner filed this Criminal Revision Case before this Court.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent submitted that the matter is now compromised. The petitioner as well as the respondent are present before this Court and they are identified by their respective counsel. Both the parties have filed a joint compromise memo stating that they have compromised the dispute amount themselves and that the petitioner has given Rs.4,75,000/- to the respondent on 02.08.2023. Both side submitted that the petitioner has deposited Rs.2,00,000/- before the Trial Court and the respondent has no objection to withdraw the said amount of Rs.2,00,000/- (Rupees Two lakhs only) by the revision petitioner, which was deposited in the Trial Court as per order of this Court passed in CrI.M.P(MD)No.2429 of 2023 in CrI.R.C(MD)No.169 of 2023, dated 10.02.2023. The contents of the joint compromise memo are read over and explained to both parties and they would admit the same. The said compromise memo is recorded.



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7. In view of the compromise entered between the parties, 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 her.

8. The revision petitioner is permitted to withdraw the said amount of Rs.2,00,000/- which was deposited in the Trial Court as per the order of this Court passed in CrI.M.P(MD)No.2429 of 2023 in CrI.R.C(MD)No.169 of 2023, dated 10.02.2023. The bail bond if any, executed by the revision petitioner/accused shall stand discharged and the fine amount if any paid by her shall be refunded. The Joint Compromise Memo shall form part of this order. Consequently, connected Miscellaneous Petition is closed.

13.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional District & Sessions Judge,
Kuzhithurai, Kanyakumari District.
- 2.The Judicial Magistrate No.1,
Kuzhithurai, Kanyakumari District.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

ORDER MADE IN
CrI.R.C.(MD)No.169 of 2023
and
CrI.M.P(MD)No.2430 of 2023

13.12.2023