



Crl.R.C.(MD).No.1270 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1270 of 2022

and

Crl.MP(MD)No.16008 of 2022

S.Maragatham

... Revision Petitioner/Appellant/
Accused

Vs.

Kathiravan

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records to set aside the judgment dated 10.11.2022 made in Crl.A.No.80 of 2019 on the file of the learned Additional District Judge, Sivagangai, confirming the judgment dated 30.09.2019 made in C.C.No.36 of 2017 on the file of the learned Judicial Magistrate (FTC), Karaikudi, and to allow this petition.

For Petitioner : Mr.V.Thirumal

For Respondent : Mr.C.Jeyaprakash



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ORDER

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This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the Additional District Judge, Sivagangai, in Crl.A.No.80 of 2019, dated 10.11.2022 confirming the Judgment in C.C.No.36 of 2017 dated 30.09.2019 on the file of the learned Judicial Magistrate (FTC), Karaikudi.

2. The petitioner borrowed a sum of Rs.10,00,000/- from the respondent and his wife on 27.05.2015. To discharge the said debt, she issued two cheques, dated 15.10.2016 drawn on the bank of Karur Vysya Bank, Karaikudi Branch. The respondent presented the cheque before her Bank on 12.01.2017 and the same was returned on 18.01.2017 with an endorsement of “Contact Drawer”. So, the respondent issued the legal notice on 09.02.2017. Even though the petitioner received the same on 14.02.2017, she has not sent any reply and has not made any payment. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judicial Magistrate (FTC), Karaikudi.. The learned Judicial Magistrate taken the complaint on file in C.C.No.36 of 2017.



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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, examined P.W.1 to P.W.3 and perused the documents Ex.P.1 to Ex.P.193 and passed the conviction under Section 138 of Negotiable Instruments Act to undergo 15 months Simple Imprisonment and to pay a fine amount of Rs.10,01,000/- in default, to undergo 3 months Simple Imprisonment by the Judgment dated 30.09.2019. Further, ordered to pay a sum of Rs.10,00,000/- to the respondent as compensation from the said fine amount.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.80 of 2019 on the file of the learned Additional District Judge, Sivagangai. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (30.08.2023), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under:-



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**JOINT MEMO OF COMPROMISE FILED BY THE PETITIONER
AND RESPONDENT ABOVE NAMED**

It is submitted that since the matter is amicably settled between the petitioner and respondent above named, the conviction and sentenced imposed on the petitioner/accused in C.C.No.36 of 2017 on the file of the Learned Judicial Magistrate (FTC), Karaikudi dated 30.09.2019 pursuant to the conviction and sentence imposed in CrI.A.No.80 of 2019 dated 10.11.2022 on the file of the Learned Additional District Court, Sivagangai under section 138 of the Negotiable Instruments Act may be set-aside. Further, the accused/petitioner may be permitted to withdraw the conditional amount deposited before the Learned Judicial Magistrate Court (FTC), Karaikudi. Hence, this memo may be recorded to that effect and thus render justice.

Dated at Madurai on this the 30th day of August, 2023.

S. Maragatham
PETITIONER

R. S. S. S. S.
RESPONDENT

V. P. H.
COUNSEL FOR PETITIONER

C. J. S.
COUNSEL FOR RESPONDENT

6.The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties 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.

8. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate (FTC), Karaikudi, in C.C.No.36 of 2017 dated 30.09.2019 and confirmed by the learned Additional District Judge, Sivagangai in Crl.A.No. 80 of 2019, dated 10.11.2022, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against her. Bail bond if any, executed by the accused shall stand discharged. The connected miscellaneous petition is closed.

30.08.2023

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

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K.K.RAMAKRISHNAN, J.

dss

To

- 1.The Judicial Magistrate (FTC),
Karaikudi.
- 2.The Additional District Judge,
Sivagangai.
3. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

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and
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