



Crl.R.C.(MD).No.13 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.13 of 2023

Murugesan

... Petitioner/Appellant/Accused

Vs.

Katti

... 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 of the learned Principal District Judge, Thoothukudi, in C.A.No.95 of 2018 by Judgment dated 18.11.2022, confirming the conviction and sentence of imposed by the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Thoothukudi, in C.C.No.306 of 2016 by the Judgment dated 16.11.2018, and set aside the Judgments of the Courts below and acquit the Petitioner.

For Petitioner : Mr.M.Mano Kumar

For Respondent : Mr.R.Jegadeeswaran



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ORDER

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Principal District Judge, Thoothukudi, in C.A.No.95 of 2018, dated 18.11.2022, confirming the Judgment in C.C.No. 306 of 2016 dated 16.11.2018 on the file of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Thoothukudi.

2. The petitioner borrowed a sum of Rs.3,50,000/- from the respondent on 21.02.2016. To discharge the said debt, he issued a cheque bearing No.661066 on 21.08.2016 drawn on the bank of Indus Ind Bank, Thoothukudi Branch. The respondent presented the cheque before his Bank on 19.10.2016 and the same was returned with an endorsement “Funds Insufficient”. Therefore, the respondent issued the legal notice on 25.10.2016. Even though the petitioner received the same on 27.10.2016, he has not sent any reply and has not made any payment. Therefore, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Thoothukudi. The learned Judicial Magistrate taken the complaint on file in C.C.No.306 of 2016.



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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 and perused the documents Ex.P.1 to Ex.P.7 and passed the conviction under Section 138 of Negotiable Instruments Act to undergo 1 year Simple Imprisonment and to pay Rs.3,50,000/- as compensation to the complainant within one month in default, to undergo 1 month Simple Imprisonment by the Judgment dated 16.11.2018.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.95 of 2018 on the file of the learned Principal District Judge, Thoothukudi. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (22.09.2023), when the matter is taken up for hearing, both counsel on record would submit that the entire amount was settled to the complainant and they have already filed joint compromise memo dated 22.09.2023, which is extracted here under:-



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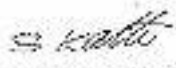
of 2018 dated 18.11.2022 confirming the conviction and sentences to imposed by the trial court under Section 138 of the Negotiable Instruments Act.

2. It is submitted that the both parties appeared before the Lokadalath on 8.07.2023 and compromised arrived by them and the award also passed. The balance amount Rs 42,000 is also received by the respondent on 22.09.2023.

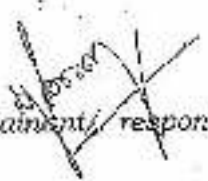
It is therefore prayed that this Hon'ble Court may graciously be pleased to record this memo and set aside the conviction and Sentence of Imprisonment imposed by the Learned Principal District Judge Thoothukudi in C.A. No. 95 of 2018 by the Judgment dated 18.11.2022, confirming the Judgment of conviction by the Learned Learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Thoothukudi in C.C. No. 306 of 2016 by dated 16.11.2018 and thus render justice

Dated at Madurai on this the 22nd day of September, 2023


Petitioners / Accused


complainant/ respondent


Counsel for Petitioners/ Accused


Counsel for complainant/ respondent



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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.

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, Fast Track Court, (Magisterial Level) Thoothukudi, in C.C.No.306 of 2016 dated 16.11.2018, and confirmed by the learned Principal District Judge, Thoothukudi, n C.A.No.95 of 2018, dated 18.11.2022, 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.

22.09.2023

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

- 1.The Principal District Judge,
Thoothukudi,
- 2.The Judicial Magistrate,
Fast Track Court, (Magisterial Level),
Thoothukudi.
- 3.The Section Officer,
Record Section,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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