



Crl.R.C.(MD)No.1360 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.12.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1360 of 2023

and

Crl.M.P(MD)No.17331 of 2023

Rajeshwari

... Petitioner/Accused

Vs.

M.Arivalagan

... 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 2nd Additional District & Sessions Court, Thanjavur in Crl.A.No.60 of 2023, dated 31.10.2023, confirming the judgment passed by the Fast Track Court (Magisterial Level), Thanjavur in S.T.C.No.100 of 2020, dated 11.10.2022 and set aside the same by allowing this revision petition.

For Petitioner : Mr.SP.Vijay Nivas

For Respondent : Mr.S.Sankar



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ORDER

This Criminal Revision Case has been filed to set aside the judgment passed by the 2nd Additional District & Sessions Court, Thanjavur in Crl.A.No.60 of 2023, dated 31.10.2023, confirming the judgment passed by the Fast Track Court (Magisterial Level), Thanjavur in S.T.C.No.100 of 2020, dated 11.10.2022.

2. The case of the complainant is that the revision petitioner had borrowed a hand loan of Rs.4,00,000/- on 10.02.2020 from the respondent and gave a cheque on 15.05.2020 bearing No.431251 drawn on Indian Bank, Rahuman Nagar Branch, Thanjavur. The respondent presented the said cheque on 22.05.2020 before the Karnataka Bank Ltd., Thanjavur Branch and the same was returned on 26.05.2020 as "Funds Insufficient". So, the respondent issued a legal notice on 25.06.2020, but there was no response from the petitioner/accused. Therefore, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thanjavur and the same was taken on file in S.T.C.No.100 of 2020

3. At the conclusion of the trial, the Trial Court found the petitioner guilty and convicted for the offence under Section 138 of Negotiable Instruments Act and



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sentenced her to undergo simple imprisonment for a period of one year and to pay a sum of Rs.4,00,000/- as compensation, in default, to undergo simple imprisonment for a period of two months vide judgment, dated 11.10.2022.

4. Aggrieved by the same, the petitioner preferred the appeal before the 2nd Additional District & Sessions Court, Thanjavur in Crl.A.No.60 of 2023. The learned Appellate Judge by the impugned judgment dated 31.10.2023 confirmed the judgment of the trial Court. Challenging the same, the petitioner filed this Criminal Revision Case before this Court.

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

6. Today (14.12.2023), 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 was produced before this Court through video conference and the respondent is 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 amicably settled the



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issue out of Court and the respondent received the amount from the petitioner and entered into compromise. 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.

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 petitioner is ordered to be released forthwith, if her presence is not otherwise required in connection with any other case. The Joint Compromise Memo shall form part of this order. Consequently, the connected miscellaneous petition is closed.

14.12.2023

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



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To

- 1.The Superintendent,
Special Prison for Women, Trichy.
- 2.The II Additional District & Sessions Court,
Thanjavur.
- 3.The Fast Track Court (Magisterial Level),
Thanjavur.
- 4.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.1360 of 2023
and
CrI.M.P(MD)No.17331 of 2023

14.12.2023