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CrI.R.C.No.313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.313 of 2024 and
CrI.M.P.Nos.2925, 2926 & 5986 of 2024

A.Vinoth Anand

... Petitioner

Vs.

N.Ravikumar

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the judgment dated 06.04.2022 in CrI.A.No.129 of 2021, on the file of IV Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence in the judgment, dated 24.01.2020 made in C.C.No.386 of 2018 on the file of Judicial Magistrate Fast Track Court-I @ Magisterial Level, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.C.Vishwanth

ORDER

The petitioner/accused was convicted by the learned Judicial Magistrate, Fast Track Court No.1 @ Magisterial Level, Coimbatore (trial Court) in C.C.No.386 of 2018 by judgment, dated 24.01.2020 and sentenced to undergo Simple Imprisonment for a period of six months for offence



under Section 138 of The Negotiable Instruments Act, 1881 and to pay the cheque amount as compensation of Rs.3,80,000/- to the respondent.

Challenging the same, the petitioner preferred an appeal before the learned IV Additional District & Sessions Judge, Coimbatore (lower appellate Court) in Crl.A.No.129 of 2021 and the same was dismissed *vide* judgment, dated 06.04.2022 confirming the judgment of the trial Court, dated 24.01.2020. Aggrieved over the same, the present criminal revision case filed by the petitioner.

2.Gist of the case is that the petitioner borrowed a sum of Rs.3,80,000/- from the respondent for his family expenses. When the respondent demanded to repay the amount on 29.12.2017, the petitioner issued cheque, dated 02.01.2018 bearing No.047722 for a sum of Rs.3,80,000/- drawn on Febral Bank, Saibaba Colony Branch, Coimbatore in favour of the respondent to discharge his liability. As per instruction of petitioner, the respondent presented cheque for encashment on 03.01.2018 with his banker Lakshmi Vilas Bank, K.K.Pudur, Saibaba Colony Branch, Coimbatore and the same was returned unpaid for the reason 'Funds



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Insufficient' by return memo, dated 04.01.2018. Therefore, the respondent issued a legal notice, dated 25.01.2018 to the respondent to pay the cheque amount within fifteen days. But the petitioner neither made any reply nor paid the cheque amount. Hence, the complaint filed before the trial Court in C.C.No.386 of 2018.

3.Though very many grounds raised by the learned counsel for the petitioner, now both the petitioner and the respondent entered into the compromise and the petitioner agreed to settle cheque amount to the respondent. Out of cheque amount of Rs.3,80,000/-, the petitioner already deposited Rs.76,000/- to the credit of C.C.No.386 of 2018 on the file of the trial Court and for the balance amount of Rs.3,04,000/-, the petitioner paid the same by way of two demand drafts drawn in favour of respondent in demand drafts No.427819 & 427810, dated 22.02.2024 & 09.02.2024 for a sum of Rs.2,04,000/- & Rs.1,00,000/- respectively. Hence, he prays for setting aside the judgments of the Courts below.



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4.The learned counsel for the respondent confirmed the receipt of the amount as stated by the learned counsel for the petitioner. The respondent is agreed to quietus to the dispute between with the petitioner. To compound the offence, the respondent filed a petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.5986 of 2024 in Crl.R.C.No.313 of 2024 to withdraw the complaint.

5.Today, the petitioner and the respondent are present before this Court. This Court had an enquiry with petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner and filing of compounding petition. The scanned reproduction of above said two demand drafts is as follows:



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FEDERAL BANK COIMBATORE-SAIDABA C (10021)
2 3 0 2 2 0 2 4
D D M Y Y Y
The Lakh Four Thousand only
PURCHASER : VINODH ANAND A
COIMBATORE (1092)
50427819ATL-2
AMOUNT RECEIVED ₹ 2,04,000.00
For The Federal Bank Limited
Signature of Authorised Signatory (S.F.No.)
Signature of Authorised Signatory (S.F.No.)
427819# 000049000# 500000# 12

FEDERAL BANK COIMBATORE-SAIDABA C (10021)
0 4 0 2 2 0 2 4
D D M Y Y Y
One Lakh only
PURCHASER : VINODH ANAND A
COIMBATORE (1092)
50427810CL-1
AMOUNT RECEIVED ₹ 1,00,000.00
For The Federal Bank Limited
Signature of Authorised Signatory (S.F.No.)
Signature of Authorised Signatory (S.F.No.)
427810# 000049000# 500000# 12

For Counsel for respondent
for S.L. Vishwanth
R. Aravindh Prakash
9629029421.



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6.The respondent/complainant has filed compounding petition before this Court in Crl.M.P.No.5986 of 2024 in Crl.R.C.No.313 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court is inclined to compound the case.

8.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment of the trial Court, dated 24.01.2020 in C.C.No.386 of 2018 and the judgment of the lower appellate Court, dated 06.04.2022 in Crl.A.No.129 of 2021 are set aside. The petitioner is acquitted of all the charges levelled against him. Accordingly, this Criminal Revision Case stands allowed.

9.The trial Court is directed to permit the respondent to withdraw the amount of Rs.76,000/- deposited by the petitioner in C.C.No.386 of 2018.



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Notice to the petitioner is dispensed with since the petitioner has got no objection for withdrawn of the said amount. The connected

Crl.M.P.Nos.2925 & 2926 of 2024 are closed.

28.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

1.The IV Additional District & Sessions Judge,
Coimbatore.

2.The Judicial Magistrate,
FTC No.1 @ ML, Coimbatore.

Note: Issue Order Copy on 23.04.2024.



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M.NIRMAL KUMAR, J.

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