



Crl.R.C.No.366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.366 of 2024
and Crl.M.P.No.11887 of 2024

S.Arumugam

... Petitioner

Vs.

M.Thangamani

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the judgment of the learned II Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2021 dated 19.01.2024 confirming the conviction and sentence passed by the learned Judicial Magistrate Fast Track Court, Tiruppur in C.C.No.10 of 2017 dated 25.08.2021 and allow this Criminal Revision Case.

For Petitioner : M/s.S.Valarmathi

For Respondent : Mr.S.Arjun



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ORDER

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The petitioner / accused was convicted by the Trial Court in C.C.No.10 of 2017 by judgment dated 25.08.2021 and sentenced to undergo simple imprisonment for a period of six months and directed the petitioner to pay a cheque amount of Rs.5,60,000/- as compensation. Aggrieved by the same, the petitioner preferred an appeal before the II Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2021. The Sessions Judge by its judgment dated 19.01.2024, dismissed the appeal by confirming the conviction and sentence of the Trial Court. Against which the present petition is filed.

2. It is the contention of the learned counsel for petitioner that during the pendency of the appeal, the petitioner deposited 20% of the cheque amount, i.e., Rs.1,12,000/- before the Trial Court. Thereafter, at the time of admission of the Revision, the petitioner had paid a sum of Rs.1,68,000/- being 30% of the cheque amount vide demand draft No.747069 dated 29.08.2024. In total, 50% of the cheque amount as on 29.08.2024 was paid. For the balance 50%, the petitioner had handed over demand drafts vide



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Nos.747119 dated 26.09.2024 and 747165 dated 25.10.2024 to the tune of Rs.1,00,000/- and Rs.1,80,000/- respectively and the same have been handed over to the respondent/complainant. Now, the petitioner had complied with the payment of cheque amount of Rs.5,60,000/- and prayed for compounding of offence.

3. Today, the petitioner and the respondent both appeared before this Court through virtual mode. The petitioner has drawn demand drafts bearing Nos.747119 dated 26.09.2024 and 747165 dated 25.10.2024 to the tune of Rs.1,00,000/- and Rs.1,80,000/- respectively for the balance 50% of the cheque amount and the same have been handed over to the respondent/complainant. This fact has been admitted by both the petitioner as well as the respondent. Further, the petitioner/accused has already deposited a sum of Rs.1,12,000/- to the credit of C.C.No.10 of 2017 before the Trial Court which the respondent can withdraw by filing an appropriate petition, the petitioner/accused has no objection and has given consent for the same.



4. The petitioner has filed compounding petition along with affidavit before this Court in Crl.M.P.No.15358 of 2024 in Crl.R.C.No.366 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

5.This Court interacted with both the petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner and the receipt of Rs.2,80,000/-, 50% of the cheque amount from the petitioner/accused.

6. In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 25.08.2021 in C.C.No.10 of 2017, passed by the learned Judicial Magistrate Fast Track Court, Tiruppur and the judgment dated 19.01.2024 passed by the learned II Additional District and Sessions Judge, Tiruppur in Crl.A.No.65 of 2021 are set aside and the revision is, accordingly, allowed. Consequently, connected miscellaneous petition is closed. The respondent/complainant is permitted to withdraw the amount of Rs.1,12,000/- lying in the credit of C.C.No.10 of 2017 by filing



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an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him. The learned counsel for the respondent/complainant submitted that cheque is of the year 2015 and thereafter, the petitioner had sustained conviction on 25.08.2021. For all these years, the petitioner is denied interest for the amount paid by the petitioner. The respondent is at liberty to file suit for recovery of such interest, if she is advised so.

30.10.2024

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

dhk

To

1.The II Additional District and Sessions Judge,
Tiruppur

2.The Judicial Magistrate, Fast Track Court
Tiruppur



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M.NIRMAL KUMAR, J.

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