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Crl.R.C. No. 2318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRIMINAL REVISION CASE No. 2318 of 2024

&

Crl.M.P. No. 18006 of 2024

R. Jothimani

..Petitioner

Vs.

K.S. Ravi

..Respondent

Prayer: Criminal Revision Petition under Section 397 r/w 401 Cr.P.C. to set aside the order dated 20.11.2018 passed in Crl.A. No. 31 of 2018 by the II Additional District and Sessions Court, Erode confirming the order dated 08.01.2018 passed in STC No. 590 of 2013 by the Judicial Magistrate Court No.II, Erode.

For Petitioner :: Mr.A. Kumaraguru

For Respondent :: Mr.Swami Subramanian



Crl.R.C. No. 2318 of 2024

ORDER

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The criminal revision challenges the concurrent finding of guilt and sentence imposed on the petitioner for the offence under Section 138 of Negotiable Instruments Act, 1881 by the Courts below.

2. The case of the respondent is that towards discharge of his liability, the petitioner had issued a cheque for a sum of Rs.1,28,000/- and when the said cheque was presented for collection, it was returned for the reason of insufficient funds and that in spite of statutory notice, the petitioner did not make the payment.

3. When the revision was listed for admission, learned counsel for the petitioner and the learned counsel for the respondent submitted that the parties have entered into a compromise by which the petitioner had agreed to pay a sum of Rs.1,28,000/- in full and final settlement of all the claims of the respondent.

4. Today, when the matter is taken up, the petitioner is present in Court in person and the respondent appeared through videoconferencing. The respondent confirms the fact of receipt of a sum of Rs.1,28,000/-. A receipt evidencing the payment has also been issued by the respondent.



Crl.R.C. No. 2318 of 2024

5. The petitioner has filed a petition for compounding the offence along with Joint Memo of Compromise, the relevant portion of which is extracted hereunder:

'3. The petitioner and the respondent humbly submit that the petitioner was paid the entire amount to the respondent. Now as the entire amount was settled the petitioner and the respondent was appearing to submit the same before this hon'ble Court. Therefore, this Hon'ble Court may be pleased to set aside the order in C.A. No. 31 of 2018 passed by the learned II Additional District and Sessions Court, Erode dated 20.11.2018 confirming the order in S.T.C. No. 590 of 2013 on the file of the learned Judicial Magistrate No.II, Erode dated 08.01.2018, acquit the petitioner and thus render justice.'

6. The Joint Memo of Compromise is accepted and the offence is permitted to be compounded. Consequently the conviction and the sentence imposed on the petitioner is set aside and the petitioner is set at liberty. The criminal revision case stands allowed. Crl.M.P. No. 18006 of 2024 (compounding of sentence petition) is ordered. Bail bonds, if any, executed by the petitioner shall stand cancelled. Fine amount, if any paid, shall be refunded to the petitioner.

16.12.2024



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Crl.R.C. No. 2318 of 2024

SUNDER MOHAN,J.

nv

To

1. The II Additional District and Sessions Court, Erode.
2. The Judicial Magistrate Court NO.2, Erode.

Crl.R.C. No. 2318 of 2024

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