



Crl.R.C.No.604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.604 of 2024

and

Crl.M.P.Nos.5625, 5628 & 5982 of 2024

R.Muthusamy

... Petitioner

Vs.

S.Prakash

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the conviction and sentence dated 02.11.2023 in C.A.No.49 of 2022 on the file of the Additional District Judge (Fast Track Court), Mettur confirming the conviction and sentence dated 10.06.2022 in C.C.No.225 of 2013 on the file of the Judicial Magistrate No.II, Mettur.

For Petitioner : Ms.S.P.Nirmala  
for M/s.D.Shivakumaran

For Respondent : Mr.V.Sekar

ORDER

The petitioner/accused in C.C.No.225 of 2013, filed by the respondent under Section 138 of N.I.Act, was convicted by the trial



Court and sentenced him to undergo Simple Imprisonment for a period of one year and pay fine of Rs.4,00,000/-, the cheque amount as compensation.

2. Aggrieved against the same, the accused preferred appeal before the Additional District Judge (Fast Track Court) Mettur in Crl.A.No.49 of 2022 and the same was dismissed by confirming the conviction and sentence of the trial Court. Against which, the present revision is filed.

3. The contention of the petitioner is that the petitioner and the respondent are close friends and they used to help each other by small accommodation of lending money and receiving money. On one such occasion i.e., on 12.04.2013, the petitioner had borrowed a sum of Rs.4,00,000/- as hand loan to make out immediate finance. Thereafter, he issued a cheque for Rs.4,00,000/-, which he defaulted and thereafter following the statutory notice, the complainant lodged a complaint.

4. The contention of the petitioner is that he got into the box as defence witness and explained the circumstances, why the petitioner issued the cheque to the respondent. But the trial Court failed to consider



Crl.R.C.No.604 of 2024

the same and convicted the petitioner and same has been confirmed by the Sessions Court.

5.Be that as it may. Now the petitioner and the respondent being old friends decided to resolve the issue between them and in pursuant to the agreement, the petitioner paid Rs.4,00,000/- by way of demand draft, which the respondent had received and also presented before this Court.

6.In view of the same, the case between the petitioner and the respondent is compounded. Hence, the judgment in C.A.No.49 of 2022 dated 02.11.2023 on the file of the Additional District Judge (Fast Track Court), Mettur confirming the conviction and sentence dated 10.06.2022 in C.C.No.225 of 2013 on the file of the Judicial Magistrate No.II, Mettur. both set aside and the Criminal Revision Case is, accordingly, allowed. Consequently, the connected Crl.M.P.No.5982 of 2024 is ordered and Crl.M.P.Nos.5625 & 5628 of 2024 are closed. The petitioner is acquitted of all the charges levelled against him.

28.03.2024

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

M.NIRMAL KUMAR, J.



Crl.R.C.No.604 of 2024

rpl

To

WEB COPY

- 1.The Additional District Judge (Fast Track Court), Mettur
- 2.The Judicial Magistrate No.II, Mettur.

Crl.R.C.No.604 of 2024

28.03.2024