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.Crl.RC.No. 380 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.RC.No. 380 of 2021

Latha

Caseer

Vs

1. The State, represented by its Public Prosecutor
Coimbatore

2. V.Jayaprakash

Respondents

Prayer:- This Criminal Revision Case has been filed against the judgement, dated 30.03.2021 passed in CA.No.115 of 2020, by the I Additional District and Sessions Judge, Coimbatore, partly confirming the order, dated 04.02.2020 passed in CC.No.457 of 2017 by the Judicial Magistrate (FTC No.1), Coimbatore.

For Petitioner : Mr.J.Kingsly Solomon and
Ms.J.Johnsy Greeta

For Respondents : Mr.A.Gopinath, Government Advocate-R1
Mr.K.Gangadharan-R2

ORDER

1. This Criminal Revision Case has been filed against the judgement, dated 30.03.2021 passed in CA.No.115 of 2020, by the I Additional District and Sessions Judge, Coimbatore, partly confirming the order, dated 04.02.2020 passed in CC.No.457 of 2017 by the Judicial Magistrate (FTC No.1), Coimbatore.



.Crl.RC.No. 380 of 2021

2. Today, the Revision Petitioner/Accused, namely, Latha and her learned counsel, Mr.J.Kingsly Solomon and Ms.J.Johnsy Greeta and the 2nd Respondent/ Complainant, namely, V.Jayapraksh and his learned counsel Mr.K.Gangadaran and Mr.A.Gopinath, the learned Government Advocate for the State/1st Respondent are present before this Court. This Court heard all the parties and their respective learned counsel.

3. The present case is one under Section 138 of the Negotiable Instruments Act and the disputed cheque amount is Rs.1,70,000/- (Rupees one lakh seventy thousand only).

4. This Court, on several occasions, had passed several orders and on one such occasion on 04.10.2024, this Court had passed the following order:-

“Heard Ms.J.Johnsy Greeta, learned counsel for the revision petitioner and Mr. K.Gangadaran, learned counsel for the second respondent and Mr.A.Gopinath, Government Advocate (Criminal Side) for the first respondent.

2. This Court vide order dated 30.09.2024 directed the Station House Officer to be present before this Court and acceding the same, Tmt.S.Sivashankari, Inspector of Police, Ketti Police Station, The Nilgiris District is present before this Court today and she submits that she tried to secure and produce the revision petitioner Tmt.Latha, W/o Paranthaman, No.5/131, B 1 Achanakkal, Ketti, Coonoor Taluk, The Nilgiris before this Court today but failed to do so. But during the course of investigation, it is brought to her knowledge that the revision petitioner has left the above said premises and currently she is residing at Coimbatore.

3. It is further informed by the Inspector of Police that she is now aware of the whereabouts of the revision petitioner and would produce her in the next date of hearing without fail. She has also tendered her unconditional apology for not complying with the orders



.CrI.RC.No. 380 of 2021

WEB COPY

of this Court dated 30.09.2024.

4. Ms.J.Johnsy Greeta, learned counsel for the revision petitioner assures this Court that on the next date of hearing, her client will certainly appear before this Court and further, she is also in contact with her client and would try to settle the dispute with regard to the due amount payable to the second respondent to a tune of Rs.1,70,000/-.

5. Mr. K.Gangadaran, learned counsel for the second respondent submits that on one ground or the other, adjournment is sought for by the revision petitioner. He further submits that his client is also present today before this Court and has no objection if the revision petitioner pays the due amount of Rs.1,70,000/- during the next date of hearing before this Court.

6. As jointly prayed for by the learned counsels for the parties, put up this case on 21.11.2024 before the appropriate Bench.”

5. In compliance of the orders of this Court, a compliance report, dated 21.11.2024 has been filed before this Court today, by Mrs.R.Sivasankari, Inspector of Police, Ketty Police Station, The Nilgiris District, who has secured the Revision Petitioner, namely, Latha and brought her before this Court. The said Inspector of Police also appeared in person along with the Revision Petitioner, before this Court today.

6. In compliance of the above said order dated, 04.10.2024, the Revision Petitioner, namely, Latha, W/o.Paranthaman, has transferred a sum of Rs.1,70,000/- (Rupees one lakh seventy thousand only) to the account of the 2nd Respondent/Complainant, namely, V.Jayaprakash, today, i.e. 21.11.2024, by way of UPI Payment through Phonepe, as per the break up

S.No.	Phonepe Transaction ID	Date	Amount (Rs.)
1	T2411211259502499226077	21.11.2024	50000
2	T2411211301027887556791	21.11.2024	20000
3	T2411211302316958851827	21.11.2024	20000
4	T2411211331376115418185	21.11.2024	80000
Total			170000



.Crl.RC.No. 380 of 2021

as detailed below:-

WEB COPY

7. The receipt of the said amount has been accepted by the 2nd Respondent/ Complainant, namely, V.Jayaprakash and he submits that no amount is due against the Revision Petitioner, namely, Latha. Thus, the 2nd Respondent, who is present in person before this Court today, has been identified by his learned counsel, Mr.K.Gangadaran, who submits that he has no objection for disposing of the present case finally, as no useful purpose will be served in further continuing to proceed with the present case, as the entire dispute has been settled and the amount, which was due against the Revision Petitioner, has been received by him.
8. Mr.J.Kingsly Solomon, the learned counsel for the Revision Petitioner submits that the Revision Petitioner, namely, Latha, is also present before this Court and she has transferred the entire amount to the tune of Rs.1,70,000/- by way of UPI Payment through Phonepe to the account of the 2nd Respondent, namely, V.Jayaprakash and no amount is due against her and she has requested this Court to dispose of the present case finally, by setting aside the impugned sentence and conviction.
9. After hearing the arguments advanced by the parties and their respective learned counsel and also after satisfying that the disputed amount, as per the directions of this Court, to the tune of Rs.1,70,000/- has been paid by the Revision Petitioner, namely, Latha to the 2nd Respondent, namely,



.Crl.RC.No. 380 of 2021

WEB COPY

V.Jayaprakash, this Court is of the view that no useful purpose will be served in keeping the present case pending and further continuing the sentence and conviction imposed on the Revision Petitioner. Thus, in the interest of justice and on the request made by the 2nd Respondent, namely, V.Jayaprakash and his learned counsel, Mr.K.Gangadaran, the impugned judgement and the impugned order of the courts below are liable to be set aside.

10.Accordingly, in view of the above discussions and observations made, the present Criminal Revision Case is allowed. The impugned judgement, dated 30.03.2021 passed in CA.No.115 of 2020, by the I Additional District and Sessions Judge, Coimbatore and the impugned judgement, dated 04.02.2020 passed in CC.No.457 of 2017 by the Judicial Magistrate (FTC No.1), Coimbatore are set aside. The Revision Petitioner is acquitted of all the charges framed against her. The sureties if any are discharged. There is no order as to costs.

21.11.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
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To



.Crl.RC.No. 380 of 2021

1. I Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate (FTC No.1), Coimbatore
3. The Public Prosecutor, Madras High Court



WEB COPY



.Crl.RC.No. 380 of 2021

SHAMIM AHMED, J.

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Crl.RC.No. 380 of 2021

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