



WEB COPY



Crl.RC.No.1228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.RC.No.1228 of 2024

Chellapitchai

...Petitioner

Vs.

Palaniammal

...Respondent

Criminal Revision case filed under Section 438 r/w 442 of BNSS, 2023 to set aside the judgment dated 21.06.2024 passed in Crl.A.No.32 of 2019 by the II Additional District and Sessions Court, Tiruppur dismissing the appeal of the petitioner by reversing the order of conviction passed as against the respondent for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of 6 months and to pay a compensation of Rs.1,00,000/- to the complainant under Section 357 of Cr.P.C., and in default of payment of compensation, the accused shall undergo 2 months simple imprisonment for the offence under Section 138 of NI Act in STC.No183 of 2018 dated 12.02.2019 by the Judicial Magistrate (Fast Track) Court, Tiruppur.

For Petitioner : Ms.S.Ambika



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ORDER

WEB COPY This Criminal Revision case has been filed seeking quashment of the order dated 21.06.2024 made in Crl.A.No.32 of 2019 on the file of the II Additional District and Sessions Court, Tiruppur.

2. The revision petitioner filed a private complaint under Section 200 Cr.P.C. as against the respondent for the offence under Section 138 of the NI Act, 1881 in STC.No.183 of 2018 and the trial court, vide order dated 12.02.2019, convicted the respondent for the offence u/s 138 of NI Act and the respondent was sentenced to undergo simple imprisonment for a period of six months and was ordered to pay a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for a further period of two months. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.32 of 2019 seeking to enhance the compensation ordered by the trial court from Rs.1,00,000/- to Rs.10,00,000/-. On the other hand, the respondent/accused also preferred an appeal in Crl.A.No.31 of 2019 against the order of conviction dated 12.02.2019 and the lower appellate court, vide common order dated 21.06.2024 allowed the appeal filed by the respondent in



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Crl.A.No.31 of 2019 by setting aside the order of conviction dated 12.02.2019 made in STC.No.183 of 2018 and acquitted the respondent and dismissed the appeal preferred by the petitioner/complainant in Crl.A.No.32 of 2019. Challenging the same, the petitioner has come up with this Revision case.

3. Heard learned counsel for the petitioner and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner against the order impugned, when this Court expressed its opinion that, when the order of conviction dated 12.02.2019 made in STC.No.183 of 2018 itself is set aside, vide common order dated 21.06.2024 made in Crl.A.No.31 of 2019, no revision can be filed against the order of dismissal dated 21.06.2024 made in Crl.A.No.32 of 2019 filed by the petitioner seeking enhancement of the compensation imposed by the trial court, as nothing survives for further adjudication, the learned counsel for the petitioner sought liberty permission of this Court to withdraw this



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Criminal Revision. An Endorsement to the said effect is also made by the learned counsel for the petitioner in the Petition today.

5. In view of the above, this Criminal Revision case stands dismissed as withdrawn.

26.07.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To

1. The II Additional District and Sessions Court,
Tiruppur.
2. The Judicial Magistrate (Fast Track) Court,
Tiruppur.



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M.DHANDAPANI, J.

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