



Crl.R.C.No.1323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1323 of 2024
and Crl.M.P.Nos.11382, 11383 & 12888 of 2024

Elankovan

... Petitioner

Vs.

1.G.Ravi

2.State rep. by
The Public Prosecutor,
Thiruvarur.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 r/w. 442 of BNSS to set aside the conviction and sentence of the judgment in Crl.A.No.34 of 2023 dated 21.06.2024 on the file of the Principal District and Sessions Judge at Thiruvarur by confirming the judgment in S.T.C.No.60 of 2019 dated 19.06.2023 on the file of the Fast Track Court, judicial Magistrate Court, Thiruthuraipoondi.

For Petitioner : Mr.P.S.Alagiri

ORDER

The petitioner was convicted by judgment, dated 19.06.2023 in S.T..C.No.60 of 20198, by the Fast Track Judicial Magistrate Court,



Crl.R.C.No.1323 of 2024

Thiruthuraipoondi, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and to pay the cheque amount of Rs.3,50,000/- as compensation to the respondent within five months from the date of judgment, in default, to undergo three months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Principal District and Sessions Court, Thiruvarur/lower appellate Court in C.A.No.34 of 2023. The learned Principal District and Sessions Judge, Thiruvarur by judgment dated 21.06.2024, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that the petitioner approached the first respondent and borrowed a sum of Rs.3,50,000/- based on the friendly relationship, for his urgent needs. In discharge of the said liability, the petitioner issued a State Bank of India cheque bearing No.377247 for Rs.3,50,000/-. When the cheque was presented for encashment, the same was returned for the reason 'Insufficient Funds'. After following the statutory conditions, complaint was filed by the first respondent.



3. During trial, the first respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P4. On the side of the petitioner, he examined himself as D.W.1 and no documents marked. The trial Court on conclusion of trial found the petitioner guilty and convicted him as stated above.

4. The learned counsel for the petitioner submits that now the issue between the petitioner and the first respondent got resolved. He would submit that the petitioner paid the entire cheque amount of Rs.3,50,000/- to the first respondent. Hence, prayed for allowing the appeal and discharging the petitioner from the above case.

5. Today, the petitioner and the first respondent are present before this Court. Both the parties confirmed that the issue between the petitioner and the first respondent amicably resolved and filed individual affidavit to that effect.

6. The petitioner filed compounding petition along with affidavit before this Court in Crl.M.P.No.12888 of 2024 in Crl.R.C.No.1323 of 2024



Crl.R.C.No.1323 of 2024

invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 19.06.2023 in S.T.C.No.60 of 2019, passed by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi and the judgment dated 21.06.2024 passed by the learned Principal District and Sessions Judge, Thiruvarur in C.A.No.34 of 2023 are set aside and the revision is allowed accordingly. The petitioner is acquitted of all the charges levelled against him. Consequently, connected miscellaneous petitions are closed.

11.09.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



WEB COPY



Crl.R.C.No.1323 of 2024

To

- 1.The Fast Track Judicial Magistrate,
Thiruthuraipoondi.
- 2.The Principal District and Sessions Judge,
Thiruvarur.



WEB COPY



Crl.R.C.No.1323 of 2024

M.NIRMAL KUMAR, J.

cse

Crl.R.C.No.1323 of 2024

11.09.2024