



Crl.R.C.No.1681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1681 of 2024
and
Crl.M.P.Nos.13866 & 13878 of 2024

Shiney

... Petitioner

Vs.

1.V.Saravanakumar

2.State rep. By

The Public Prosecutor of Nilgiris,
at Udhagamandalam.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 r/w. 442 of BNSS to call for the records of the judgment and order dated 02.04.2024 made in Crl.A.No.25 of 2023 passed by the Court of Sessions Division of the Nilgiris District at Udhagamandalam confirming the judgment of conviction, sentence and compensation dated 28.01.2023 made in S.T.C.No.96 of 2021 by the Judicial Magistrate/Fast Track Court, Coonoor and to set aside the same by allowing this revision petition and consequently acquit the petitioner/accused.

For Petitioner	:	Mr.P.Rajkumar
For R1	:	Mr.W.M.Abdul Azeez



ORDER

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The petitioner was convicted by the learned Judicial Magistrate/Fast Track Court, Coonoor/Trial Court by judgment, dated 28.01.2023 in S.T.C.No.96 of 2021 for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.1,20,000/- within three months from the date of judgment, in default, to undergo two months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Court of Sessions Division of the Nilgiris District at Udthagamandalam/lower appellate Court in C.A.No.25 of 2023. The learned Sessions Judge by judgment dated 02.04.2024 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The contention of the learned counsel for the petitioner is that the petitioner received financial help from the respondent for the family debts and urgent needs, the respondent taking advantage of the petitioner being a lady and her innocence, filled up a cheque as though the petitioner borrowed a sum of Rs.1,20,000/- and using the same, a case has been registered. The



petitioner defended the case before the Trial Court as well as the Lower Appellate Court and put forth her case. Both the Courts below failed to consider the petitioner's contention and finally, the petitioner approached this Court suffering two concurrent findings against her. On 27.07.2024, the petitioner was arrested and confined to Central Prison, Coimbatore. After the petitioner was arrested, her family members with great difficulty mobilized funds and paid a sum of Rs.1,40,000/- to the the respondent as full and final settlement [Rs.49,000/- by way of Demand Draft No.292876 dated 30.09.2024 drawn in Indian Bank, Madras High Court Branch and Rs.91,000/- deposited into the account of the respondent on 30.09.2024].

3.The learned counsel for the respondent confirms the receipt of the amount of Rs.1,40,000/-.

4.The petitioner has filed compounding petition along with affidavit before this Court in Crl.M.P.No.13878 of 2024 in Crl.R.C.No.1681 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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5.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 28.01.2023 in S.T.C.No.96 of 2021, passed by the learned Judicial Magistrate/Fast Track Court, Coonoor and the judgment dated 02.04.2024 passed by the learned Sessions Judge, Court of Sessions Division of the Nilgiris District at Udthagamandalam in C.A.No.25 of 2023 are set aside. The petitioner is acquitted of all the charges levelled against her. The petitioner is directed to be released forthwith.

6.In the result, the criminal revision petition stands allowed.
Consequently, connected miscellaneous petition is closed.

01.10.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 01.10.2024



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To

- 1.The Judicial Magistrate/
Fast Track Court,
Coonoor.
- 2.The Sessions Judge,
Court of Sessions Division of
the Nilgiris District at
Udhagamandalam.
- 3.The Superintendent,
Central Prison,
Coimbatore.



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M.NIRMAL KUMAR, J.

cse

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