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Crl.R.C.No.1587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1587 of 2024
and Crl.M.P.No.14761 of 2024

R.Rajamanikam

... Petitioner

Vs.

1.S.Selvaraj

2.The State of Tamil Nadu,
Rep. By The Public Prosecutor of,
The Nilgiris District.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of BNSS to set aside the judgment passed by the learned Sessions Judge, Magalir Neethimandam (FTMC), Udhagamandalam in Crl.A.No.2 of 2021 dated 23.08.2023 confirming the sentence passed in S.T.C.No.953 of 2017 of the learned Judicial Magistrate at Udhagamandalam dated 14.12.2020.

For Petitioner : Mr.R.Gopinath

ORDER

The petitioner was convicted by judgment, dated 14.12.2020 in S.T..C.No.953 of 2017, by the Judicial Magistrate Court, Udhagamandalam,



for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo three months Simple Imprisonment and to pay the cheque amount of Rs.2,00,000/- as compensation to the respondent. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Sessions Court, Magalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris/lower appellate Court in C.A.No.2 of 2021. The learned Sessions Judge by judgment dated 23.08.2023 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.2,00,000/- based on the friendly relationship, for his urgent needs. In discharge of the said liability, the petitioner issued a United Bank of India cheque bearing No.439789 for Rs.2,00,000/-. 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, no witness examined 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.2,00,000/- 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 appeared before this Court through video conferencing. 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.14761 of 2024 in Crl.R.C.No.1587 of 2024



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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 14.12.2020 in S.T.C.No.953 of 2017, passed by the learned Judicial Magistrate, Udhagamandalam and the judgment dated 23.08.2023 passed by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam in C.A.No.2 of 2021 are set aside and the revision is allowed accordingly. The petitioner is discharged from all charges levelled against him.

22.10.2024

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

- 1.The Judicial Magistrate,
Udhagamandalam.
- 2.The Sessions Judge,
Magalir Neethimandam (FTMC),
Udhagamandalam.



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M.NIRMAL KUMAR, J.

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