



WEB COPY



Crl.R.C.No.1664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1664 of 2024
and Crl.M.P.No.13818 of 2024

A.Manimaran

... Petitioner

Vs.

V.Muthukumaran

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the judgment dated 11.06.2024 passed by the learned I Additional District and Sessions Judge, Coimbatore in Crl.A.No.200 of 2023 confirming the judgment 03.06.2023 passed by the learned Judicial Magistrate, Mettupalayam in S.T.C.No.58 of 2021.

For Petitioner : Mr.A.Suresh Sakthi Murugan

ORDER

The petitioner was convicted by the Trial Court in S.T.C.No.58 of 2021 by judgment dated 03.06.2023 for the offence under Section 138 of



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Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1,50,000/- as compensation, in default to undergo one month simple imprisonment. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.200 of 2023. The Lower Appellate Court by judgment dated 11.06.2024 dismissed the appeal and confirmed the conviction and sentence imposed by the Trial Court. Against which, the present criminal revision petition is filed.

2. It is the contention of the petitioner that during the pendency of the appeal, the petitioner had deposited a sum of Rs.30,000/- to the credit of S.T.C.No.58 of 2021 before the Trial Court. Further, during the pendency of the present revision, the petitioner and the respondent/complainant have arrived at a compromise and the petitioner had paid a sum of Rs.1,00,000/- by way of demand draft bearing No.640132, City Union Bank, Sivada Colony Branch, Coimbatore for the cheque amount of Rs.1,00,000/- and the same has been handed over the respondent/complainant. Hence, prayed for compounding of offence.



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3. Today, the petitioner and the respondent both present before this Court. The respondent/complainant admits the Joint Compromise memo entered between them to the value of Rs.1,30,000/- from the petitioner and agreeing to give quietus to the issue. The petitioner has drawn a demand draft bearing No.640132, City Union Bank, Sivada Colony Branch, Coimbatore for the cheque amount of Rs.1,00,000/- and given to the respondent/complainant. This fact has been admitted by both the petitioner as well as the respondent. Further, the petitioner/accused has already deposited a sum of Rs.30,000/- to the credit of S.T.C.No.58 of 2021 before the Trial Court which the respondent can withdraw by filing an appropriate petition, the petitioner/accused has no objection and has given consent for the same.

4. The petitioner has filed compounding petition along with affidavits before this Court in Crl.M.P.No.15359 of 2024 in Crl.R.C.No.1664 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.This Court had an enquiry with both the petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner, Joint Compromise memo entered between them and the receipt of Rs.1,00,000/- from the petitioner/accused.

6. In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 03.06.2023 in S.T.C.No.58 of 2021, passed by the learned Judicial Magistrate, Mettupalayam and the judgment dated 11.06.2024 passed by the learned I Additional District and Sessions Judge, Coimbatore in Crl.A.No.200 of 2023 are set aside and the revision is, accordingly, allowed. Consequently, connected miscellaneous petition is closed. The respondent/complainant is permitted to withdraw the amount of Rs.30,000/- lying in the credit of S.T.C.No.58 of 2021 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him.

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Neutral Citation: Yes/No
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- 1.The I Additional District and Sessions Judge
Coimbatore
- 2.The Judicial Magistrate
Mettupalayam



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M.NIRMAL KUMAR, J.

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