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Crl.R.C.No.1533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1533 of 2024
and
Crl.M.P.Nos. 12793 & 12794 of 2024

Rajeshwari

... Petitioner

Vs.

Somasundaram

... Respondent

PRAYER: Criminal Revision is filed under Section 438 and 422 of BNSS, to call for the records on the file of the Learned III Additional Sessions Judge, Vellore @ Thirupattur, Vellore District in Crl.A.No.63/2021 dated 07.02.2023 and confirming the judgement and sentence passed in S.T.C.No.1006/2014 on the file of the Learned Judicial Magistrate, No.I, Tirupattur, Vellore District dated 25.09.2021 and set aside the Judgement dated 07.02.2023.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to set aside the judgement in Crl.A.No.63/2021, on the file of the III Additional Sessions Judge, Vellore @ Thirupattur dated 07.02.2023, confirming the conviction and sentence passed in S.T.C.No.1006/2014, on the file of Judicial Magistrate, No.I, Tirupattur, Vellore dated 25.09.2021.

2. The petitioner was convicted under Section 138 of the Negotiable Instrument Act, 1881 by the Trial Court in STC.No.1006 of 2014 and sentenced to under one year simple imprisonment and to pay the cheque amount of Rs.7,00,000/- as compensation, in default, to undergo Simple Imprisonment for three months. Aggrieved against the said judgement, the petitioner preferred an appeal before the Sessions Court in Crl.A.No.63/2021. The Sessions Judge by his judgement and decree dated 07.02.2023 dismissed the appeal confirming the conviction and sentence of the Trial Court, against which, the present revision has been filed.

3. On 06.09.2023, the petitioner was secured on the strength of a conviction warrant. Thereafter, the family members of the petitioner



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mobilized the amount and approached the respondent/complainant and negotiated for a compromise. The respondent/complainant also agreed for the compromise and received the amount.

4. Today, both the learned counsel for the petitioner and the respondent/defacto complainant confirmed the compromise entered between the petitioner and the respondent/de facto complainant. The learned counsel for petitioner filed a compounding petition before this Court in Crl.M.P.No.12794 of 2024 in Crl.R.C.No.1533 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence. Considering the fact that the respondent/ defacto complainant has already received the compromise amount and he has no objection to the compound petition being ordered, the said petition is ordered.

5. In view of the above, Crl.RC.No.1533 of 2024 is allowed and the conviction and sentence imposed on the petitioner by the learned Learned Judicial Magistrate, No.I, Tirupattur, Vellore District, in S.T.C.No.1006/2014, dated 25.09.2021, which was confirmed by the Learned III Additional Sessions Judge, Vellore @ Thirupattur, Vellore



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District, in Crl.A.No.63/2021, dated 07.02.2023, are hereby set aside. The petitioner is acquitted of all charges levelled against her. It is reported that the petitioner is in jail. Hence, the petitioner, who is confined in the Special Prison for Women, Vellore, is directed to be released forthwith unless her presence/custody is required in connection with any other case/proceedings. No Costs. Consequently, the connected Crl.M.P.No.12793 of 2024 is closed.

10.09.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)

To

- 1.The III Additional Sessions Judge, Vellore @ Thirupattur
- 2.The Judicial Magistrate, No.I, Tirupattur, Vellore.
- 3.The Public Prosecutor, High Court, Madras.
- 4.The Superintendent,
Special Prison for Women, Vellore.



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M.NIRMAL KUMAR, J.

(shr)

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