



Crl.M.P.No.12723 of 2024 in Crl.R.C.SR.No.46388 of 2024

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M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to condone the delay of 415 days in preferring the criminal revision case against the judgment, dated 07.02.2023 in Crl.A.No.63 of 2021 passed by the learned III Additional Sessions Judge, Vellore @ Thirupathur (Lower Appellate Court) confirming the judgment, dated 28.09.2021 in S.T.C.No.1006 of 2014 passed by the learned Judicial Magistrate No.I, Thirupathur (Trial Court).

2.The learned counsel for the petitioner submitted that the petitioner was convicted by the Trial Court and sentenced to undergo 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 for offence under Section 138 of the Negotiable Instruments Act, 1881. The respondent projected the case as though the petitioner borrowed a sum of



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Rs.7,00,000/- for her personal needs and to develop primary school on 08.08.2014 and agreed to discharge the debt and liability within two month.

In discharge of liability, the petitioner issued post dated cheque, dated 08.10.2014. When the cheque presented, the same got dishonoured and thereafter the complaint filed against the petitioner. The defence of the petitioner is that security cheque filled up, misused and false case projected her. Anyhow, the petitioner was convicted by the Trial Court and the same was confirmed by the lower appellate Court and now the petitioner is in confinement. In the meantime, the petitioner's daughter approached the respondent and returned back the entire cheque amount of Rs.7,00,000/- to the respondent and now the respondent agreed to withdraw the complaint on satisfying the receipt of cheque amount. Hence, the delay may be condoned.

3.Today, the respondent and the petitioner's daughter appeared before this Court in person and produced their Aadhar Cards. A petition (Unnumbered) under Section 147 of the Negotiable Instruments Act, 1881 filed confirming the compromise arrived. The petitioner's daughter reiterates the compromise arrived with the respondent. The respondent also submits



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that he has no objection for condonation of delay and confirmed the receipt of the cheque amount and the compromise arrived.

4.In view of the above, this Court condones the delay of 415 days in filing the criminal revision case. Accordingly, this criminal miscellaneous petition is ordered.

09.09.2024

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Note: Registry is directed to number the Civil Revision Petition, if it is otherwise in order and post the same 'For Admission' on 10.09.2024.



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