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Crl.RC.No.1731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.RC.No.1731 of 2023
Crl.MP.Nos.16514 and 16516 of 2023

M.Veeramathi

Petitioner

Vs

V.Duraisamy

Respondent

Prayer:- This Criminal Revision Case has been filed, against the judgement dated 20.07.2023 made in CA.No.91 of 2021 by the II Additional Sessions Court (FAC), Tiruchengode, confirming the judgement dated 29.01.2021 made in STC.No.28 of 2018 passed by the Judicial Magistrate (FTC), Tiruchengode.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondent : Mr.Karthikeyan Anbazagan, Legal Aid Counsel

ORDER

1. This Criminal Revision Case has been filed, against the judgement of conviction and sentence, dated 20.07.2023, made in CA.No.91 of 2021 by the II Additional Sessions Court, Tiruchengode, confirming the



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judgement of conviction and sentence, dated 29.01.2021 made in
STC.No.28 of 2018 by the Judicial Magistrate (FTC), Tiruchengode.

2. The Petitioner is the accused and the Respondent is the complainant in
STC.No.28 of 2018 filed by him against the Petitioner for the offence
under Section 138 of the Negotiable Instruments Act in respect of a
dishonoured cheque for a sum of Rs.5,00,000/- issued by the Petitioner.
Before the Trial Court, the complainant examined as PW.1 and Ex.P1 to
Ex.P6 marked on the side of the complainant. In and by the impugned
judgement of the Trial Court, the Petitioner was convicted and sentenced
for the offence under Section 138 of the Negotiable Instruments Act, to
undergo six months Simple Imprisonment and to pay the cheque amount
of Rs.5,00,000/- as compensation to the Respondent. In the appeal filed,
as against the judgement of conviction and sentence of the Trial Court,
by the Petitioner, by the impugned judgement of the lower appellate
court, the judgement of conviction and sentence of the Trial Court was
confirmed. Hence, this Criminal Revision Case has been filed by the
Petitioner/ accused.
3. This Court heard the learned counsel on either side, considered their
submissions and also perused the materials placed on record.



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4. On an earlier occasion on 05.08.2024, it was brought to the notice of this

Court that a compromise had been arrived at between the Petitioner and the Respondent before the Trial Court, as per which, the Petitioner paid the cheque amount of Rs.5,00,000/- to the Respondent and to that effect, the Respondent had also executed a receipt, dated 02.07.2024 and they had also filed a Petition under Section 147 of the Negotiable Instruments Act before the Trial Court for compounding the offence. Accordingly, by the order dated, 05.08.2024, the Registry was directed to call for a report from the Trial Court regarding the said aspect.

5. Pursuant to the order of this Court dated, 05.08.2024, a report, dated 15.07.2024 in D.No.732 of 2024 has been received from the Trial Court. Along with the said report of the Trial Court, a receipt dated 02.07.2024, signed by the Respondent, acknowledging the compromise entered into with the Petitioner and the fact that the Petitioner satisfied with the cheque amount received by her, a compounding petition under Section 147 of the Negotiable Instruments Act, signed by both the parties and their respective counsel, the docket order, dated 12.07.2024 passed by the Trial Court, acknowledging filing of the compounding petition and the judgement of this Court reported in 2021 2 TNLR 186 (Mad)



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(Sathish Kumar Vs. Vidhyasagar) are enclosed. By the said receipt, the

Respondent also confirmed that he has no further claims against the Petitioner.

6. In view of the compromise entered into between the Petitioner and the Respondent and in view of the facts that the Petitioner paid the entire cheque amount to the Respondent and that the Respondent has no further claim against the Petitioner, the case against the Petitioner in STC.No.28 of 2018 on the file of the Trial Court is compounded and accordingly, the Petitioner is discharged from the case in STC.No.28 of 2018.
7. The learned counsel for the Petitioner has, now, made a request to permit the Petitioner to withdraw the sum of Rs.1,00,000/- deposited vide Receipt No.4637214 to the credit of STC.No.28 of 2018 on the file of the Trial Court, pursuant to the order of the lower appellate court, dated 09.09.2021 in CMP.No.1510 of 2021 in CA.No.91 of 2021. Since the Petitioner had paid the entire cheque amount, by entering into a compromise with the Respondent and the Respondent has no further claims against the Petitioner, the Petitioner is permitted to withdraw the said sum of Rs.1,00,000/- lying to the credit of STC.No.28 of 2018.



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8. With the above directions, this Criminal Revision Case is disposed of.

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No costs. Consequently, the connected MPs are closed.

03.09.2024

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Neutral Citation

Srcm

To

1. The II Additional Sessions Court (FAC), Tiruchengode
2. The Judicial Magistrate (FTC), Tiruchengode.
3. The Public Prosecutor, Madras High Court



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M.NIRMAL KUMAR, J.

Srem

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