



Crl.R.C.No.519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.519 of 2024
and Crl.M.P.No.15267 of 2024

P.Prabakaran

... Petitioner

Vs.

P.Udayakumar

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C. to set aside the judgment dated 08.12.2021 passed by the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal, Namakkal District in C.A.No.15 of 2021 confirming the conviction and sentence imposed by the Judicial Magistrate No.I, Namakkal in C.C.No.94 of 2018 by judgment dated 10.12.2020.

For Petitioner : Mr.B.Vasudevan
For Respondent : M/s.S.Mounika

ORDER

The petitioner was convicted by judgment, dated 10.12.2020 in C.C.No.94 of 2018, by the learned Judicial Magistrate No.I, Namakkal, for



offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo two years Simple Imprisonment and to pay a compensation of Rs.60,00,000/- to the respondent within one month, in default, to undergo one month simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal, Namakkal District/lower appellate Court in C.A.No.15 of 2021. The learned Sessions Judge by judgment dated 08.12.2021 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 borrowed Rs.54,00,000/- from the respondent for construction of his Brahma College. Thereafter, the petitioner did not repaid the amount. Hence, in the presence of Village elders, a compromise was entered upon between the petitioner and the respondent, in which, the petitioner agreed to pay Rs.60,00,000/- to the respondent for the amount borrowed along with interest on or before 31.08.2017. The petitioner also issued three cheques for Rs.60,00,000/- to the respondent. When the cheques were presented for encashment, the same



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was returned for the reason 'Funds Insufficient'. After following the statutory conditions, complaint was filed by the respondent.

3.During trial, the respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P11. 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 respondent got resolved. Hence, prayed for allowing the appeal and discharging the petitioner from the above case.

5.Today, the petitioner and the respondent appeared before this Court. Both the parties confirmed that the issue between the petitioner and the 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.15267 of 2024 in Crl.R.C.No.519 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 10.12.2020 in C.C.No.94 of 2018, passed by the learned Judicial Magistrate No.I, Namakkal and the judgment dated 08.12.2021 passed by the learned Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal, Namakkal District in C.A.No.15 of 2021 are set aside and the revision is allowed accordingly. The petitioner is discharged from all charges levelled against him.

29.10.2024

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



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To

- 1.The Judicial Magistrate No.I,
Namakkal
- 2.The Sessions Judge,
Special Court for SC/ST (POA) Act,
Namakkal, Namakkal District



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M.NIRMAL KUMAR, J.

cse

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