



Crl.R.C.No.2042of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2042 of 2024

S.Kannan ... Petitioner

Vs.

S.Karthikeyan ... Respondent

Prayer: Criminal Revision Petition is filed under Section 397 & 401 of Cr.P.C. and Section 438 r/w 442 of BNSS to set aside the order dated 09.08.2021 in C.M.P.No.3611 of 2020 in unnumbered C.A.S.R.No.11474 of 2020 on the file of the Principal District Judge, Salem.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.L.Mouli

ORDER

The revision challenges the order of dismissal passed in CMP. NO.3611 of 2020 in unnumbered CASR No.11474 of 2020 on the file of the Principal District Judge, Salem.

2. It is the case of the respondent that towards discharge of his liability, the petitioner issued a cheque for a sum of Rs.2,40,000/-; that



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when the said cheque was presented for collection, it was returned as “account closed”; that inspite of statutory notice, the petitioner did not make payment.

3. The trial court, on considering the evidence, convicted the petitioner and directed him to pay a compensation equivalent to the cheque amount. The petitioner filed an appeal and did not pursue the appeal diligently and hence there was a delay of 400 days in preferring the appeal. The Appellate Court, found that the petitioner had not explained the delay and thus dismissed the said petition. The petitioner has filed the above revision challenging the said order.

4. Today, when the matter is listed for admission, the learned counsel for the petitioner submitted that the petitioner had entered into a compromise with the respondent by which the respondent agreed to receive Rs.2,40,000/- as full and final settlement of all his claims besides a sum of Rs.20,000/- towards litigation expenses.

5. The learned counsel on either side have filed a joint memo signed by the respondent and the counsel for the petitioner and respondent dated 25.11.2024 in which it is recorded that the respondent



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has received Rs.2,40,000/- by way of Demand Draft bearing No.903618 dated 22.11.2024 drawn on Indian Overseas Bank, Salem Main Branch, Salem in favour of the respondent. The respondent is present before this Court and confirms the terms of compromise. It is reported that the petitioner is in custody and is now confined in Central Prison, Salem.

6. In view of the compromise arrived at between the parties, this Court is inclined to accept the Joint Memo dated 25.11.2024 and set aside the conviction and sentence imposed on the petitioner by the trial Court, in terms of the above compromise, which reads as follows -

2. It is humbly submitted that the petitioner has filed the above Crl.RC No.2042 of 2024 against the order of the Principal District Judge, Salem dated 09.08.2024 in Crl.MP No.3611 of 2020 in unnumbered C.A.S.R.No.11474 of 2020. The petitioner is in judicial custody in Salem Central Prison, Salem from 19.10.2024.

3. It is humbly submitted that the petitioner hereby tenders a demand draft for Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand only) drawn in the name of the respondent/complainant towards the compensation ordered by the Special Judicial Magistrate (Prevention of Land Grabbing), Salem in STC No.426 of 2018. The petitioner has paid the above said sum of Rs.2,40,000/- (Rupees Two Lakhs forty thousand only) by way of Demand Draft No.903618 dated 22.11.2024 issued by Indian Overseas Bank, Salem Main Branch and drawn in the name of S.Karthikeyan.



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4. It is humbly submitted that the respondent/complainant has also accepted the demand draft for Rs.2,40,000/- (Rupees Two laksh forty thousand only) tendered by the petitioner and a sum of Rs.20,000/- paid by cash by the petitioner towards litigation expenses and accepts for compounding of the offence as against the petitioner.

5. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to compound the offence under Section 138 of the Negotiable Instruments Act, 1881 and to set aside the punishment of sentence imposed on the petitioner by the Special Judicial Magistrate (Prevention of Land Grabbing), Salem in STC No.426 of 2018 in the judgment dated 27.08.2019 and set the petitioner at liberty, who is confined in Central Prison, Salem.

7. With the above observations, this Criminal Revision is disposed of in terms of the joint memo dated 25.11.2024 filed before this Court. The conviction and sentence imposed upon the petitioner vide judgment dated 27.08.2019 made in S.T.C.No.426 of 2018 on the file of the learned Judicial Magistrate (Land Grabbing), Salem is set aside. The appellant is acquitted of all charges and is directed to be released forthwith, unless his presence is required in connection with any other case. The fine amount, if any, paid by the appellant shall be refunded. Bail bond, if any, executed shall stand discharged.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr

Issue order copy by 26.11.2024
Upload the order copy forthwith.

**Registry is directed to communicate this order to the
Superintendent, Central Prison, Salem.**

To

1.The Principal District Judge,
Salem.

2. The Special Judicial Magistrate
(Prevention of Land Grabbing),
Salem.

3.The Superintendent
Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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