



Crl.R.C.No.1343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1343 of 2023

and

Crl.M.P.Nos.11177 & 11819 of 2024

J.R.Newton

... Petitioner

Vs.

Ramamoorthy

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the entire records relating to this revision petition to set aside the judgment dated 30.09.2022 passed in C.A.No.49 of 2021, on the file of the Principal District and Sessions Judge, Vellore confirming the order dated 18.08.2021 passed in C.C.No.270 of 2011 on the file of the Judicial Magistrate, Fast Track Court, Vellore.

For Petitioner : Ms.V.Meharunisha
for Mr.W.M.Abudul Majeed

For Respondent : Ms.S.Nandhini
for M/s.Balasubramanian Ravi Iyer



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ORDER

The petitioner was convicted by judgment, dated 18.08.2021 in C.C.No.270 of 2011, by the learned Judicial Magistrate, Fast Track Court, Vellore/trial Court, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.1,15,000/- as compensation to the respondent within one from the date of judgment, in default, to undergo two months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Principal District and Sessions Court, Vellore/lower appellate Court in C.A.No.49 of 2021. The learned Principal Sessions Judge, Tiruppur by judgment dated 30.09.2022, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.Gist of the case is that the petitioner and the respondent are known to each other for several years. The petitioner/accused used to borrow amounts from the respondent/complainant and return it. on 07.05.2007, the



petitioner borrowed a sum of Rs.1,15,000/- and executed a promissory note in favour of the respondent. The petitioner agreed to pay interest at the rate of 1% per month. When the respondent demanded payment on 01.10.2007, the petitioner issued a cheque for Rs.1,15,000/- bearing No.407753 , dated 01.10.2007 drawn on ICICI Bank, Vellore Branch. When the cheque was presented for encashment, the same was returned for the reason 'Insufficient Funds'. Thereafter, legal notice was sent to the petitioner on 24.10.2007, but the petitioner neither replied for the legal notice sent by the respondent nor repaid the amount. Hence, the complaint was lodged by the respondent.

3.During trial, the respondent examined himself as PW1 and marked Ex.P1 to Ex.P7. On the side of the petitioner, no witness was examined and no exhibit was marked.

4.The trial Court on conclusion of trial found the petitioner guilty and convicted him and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.1,15,000/- as compensation to the respondent within one from the date of judgment, in default, to undergo two



months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Principal District and Sessions Court, Vellore/lower appellate Court in C.A.No.49 of 2021. The learned Principal Sessions Judge, Vellore by judgment dated 30.09.2022 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

5.Today, the petitioner as well as the respondent in both the revision petitions and their respective counsels are present before this Court. Both the parties as well as the counsels submitted that the issue between the petitioner and the respondents have been amicably resolved and a joint compromise memo was produced to this effect. It is submitted that the total amount due is Rs.1,65,000/-, of which Rs.28,750/- has already been paid by the petitioner to the credit of C.C.No.270 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Vellore, the balance amount of Rs.1,36,250/- has been paid by way of four Demand Drafts [Rs.49,000/- vide DD No.651251 dated 01.08.2024, Rs.1,000/- vide DD No.651250 dated 01.08.2024, Rs.49,000/- vide DD No.651456 dated 19.08.2024 and



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Rs.37,250/- vide DD No.651457 dated 19.08.2024] in favour of the respondent/complainant.

6.The learned counsel for the respondent confirms the receipt of the amount and her only plea is that the respondent may be permitted to withdraw the amount of Rs.28,750/- which has been deposited by the petitioner to the credit of C.C.No.270 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Vellore.

7.The learned counsel for the petitioner has got no objection for the respondent withdrawing the amount deposited before the Trial Court.

8.The petitioner has filed compounding petition along with affidavit before this Court in Crl.M.P.No.11819 of 2024 in Crl.R.C.No.1343 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

9.In the result, the case between the petitioner and the respondent is



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compounded. Hence, the judgment, dated 18.08.2021 in C.C.No.270 of 2011, passed by the learned Judicial Magistrate, Fast Track Court, Vellore and the judgment dated 30.09.2022 passed by the learned Principal Sessions Judge, Vellore in C.A.No.49 of 2021 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of Rs.28,750/- lying in the credit of C.C.No.270 of 2011 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him. Consequently, connected miscellaneous petition is closed.

19.08.2024

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

1.The Principal District and Sessions Judge,
Vellore.

2.The Judicial Magistrate,
Fast Track Court,
Vellore.



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M.NIRMAL KUMAR, J.

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