



Crl.R.C.No.175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.175 of 2023

S.Murali

... Petitioner

Vs.

Siva

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the conviction and sentence imposed on the petitioner in STC.No.128 of 2016 dated 01.10.2021 on the file of the learned Judicial Magistrate No.III, Cuddalore which was confirmed in Crl.A.No.42 of 2021 dated 12.12.2022 on the file of the learned District and Sessions Judge, Cuddalore.

For Petitioner	:	Ms.M.Subbulakshmi
For Respondent	:	Mr.R.Thiagarajan

ORDER

The revision challenges the conviction and sentence imposed on the petitioner by the Trial Court which was confirmed by the Lower Appellate Court.



2.It is the case of the respondent that towards discharge of liability, the petitioner had issued a cheque for Rs.2,00,000/-; that when the said cheque was presented for collection, it was returned for the reason “Funds Insufficient” and in spite of statutory notice, the petitioner did not make any payment. Both the Courts below on the basis of the evidences found the petitioner guilty of the offence under Section 138 of the Negotiable Instruments Act and sentenced the petitioner to undergo six months simple imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo 15 days simple imprisonment.

3.When the matter is listed for hearing, the learned counsel for the petitioner submitted that the respondent had received a sum of Rs.3,00,000/- in full satisfaction of all his claims and also submitted that the conviction and sentence imposed on the petitioner may be set aside.

4.The learned counsel for the respondent filed a full satisfaction memo signed by the respondent and the counsel besides receipt issued by the respondent for Rs.3,00,000/-. The full satisfaction memo reads as follows:



“This is certify that the Respondent/Complainant have received a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) from the Revision Petitioner towards full satisfaction of the Cheque amount with interest involved in STC.No.128/2016 on the file of Hon’ble Judicial Magistrate-III, Cuddalore and in Crl.Appeal No.42/2022 on the file of Hon’ble Principal District and Sessions Judge, Cuddalore besides in Crl.Revision No.175/2023 on the file of this Hon’ble Court. Hence, this Court may be pleased to record the same as a full satisfaction and no other liabilities exist between the parties to the proceedings.”

The said documents may form part of the record.

5.Since the parties have arrived at a compromise and the respondent does not wish to pursue the case further, this Court sets aside the conviction and sentence imposed on the petitioner by the Courts below. Consequently, the bail bond executed by the petitioner shall stand cancelled and the fine amount, if any paid, shall be returned to the petitioner.

6.In the result, the Criminal Revision Case stands allowed on the



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terms of the compromise.

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Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate No.III,
Cuddalore.
- 2.The District and Sessions Judge,
Cuddalore.



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SUNDER MOHAN, J.

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