



Crl.R.C.No.2177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2177 of 2023

and

Crl.M.P.Nos.19646 & 19647 of 2023 and 2547 of 2024

S.Chandrasekar

... Petitioner/Accused

Vs.

M.Sadhasivam

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records and set aside the Judgment of the Lower Appellate Court made in C.A.No.413 of 2019 dated 22.09.2023 on the file of IV Additional District and Sessions Judge at Coimbatore in dismissing the Appeal filed by the Petitioner herein and confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level II, Coimbatore made in CC.No.299 of 2016 Judgment dated 12.09.2019 in convicting the petitioner herein for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 6 months simple imprisonment and also directed to pay compensation payable to the respondent herein to the tune of Rs.1,21,000/- with 6% interest from the date of cheque payable to the respondent herein within one month from the date of judgment failing which the petitioner herein shall undergo simple imprisonment for 3 months.



CrI.R.C.No.2177 of 2023

WEB COPY

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mrs.M.Malaiyarasi

ORDER

This petition has been filed seeking to set aside the judgment in C.A.No.413 of 2019 dated 22.09.2023 on the file of IV Additional District and Sessions Judge, Coimbatore confirming the judgment dated 12.09.2019 passed in C.C.No.299 of 2016 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore.

2.The petitioner, who is the accused in C.C.No.299 of 2016 on a private complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, was convicted by the Trial Court by judgment dated 12.09.2019 and sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.1,21,000/- as compensation. Aggrieved against the same, he preferred an appeal before the learned IV Additional



Crl.R.C.No.2177 of 2023

WEB COPY

District and Sessions Judge, Coimbatore in C.A.No.413 of 2019. The Sessions Judge by judgment dated 22.09.2023, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.

3.Today, the petitioner as well as the respondent (through video conference) and their respective counsel are present. The identity of the petitioner and respondent is not disputed. Both parties confirmed that the issue had been settled between them.

4.The respondent/complainant filed a compounding petition along with Joint Memorandum of Compromise signed by both petitioner and respondent and counter signed by their respective counsel before this Court in Crl.M.P.No.2547 of 2024 in Crl.R.C.No.2177 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



Crl.R.C.No.2177 of 2023

WEB COPY

5.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 12.09.2019 in C.C.No.299 of 2016, passed by the learned learned Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore and the judgment dated 22.09.2023 passed in C.A.No.413 of 2019 by the learned IV Additional District and Sessions Judge, Coimbatore are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, connected Criminal Miscellaneous petitions are closed.

12.02.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

rsi



Crl.R.C.No.2177 of 2023

To
WEB COPY

- 1.The Judicial Magistrate,
Fast Track Court at Magisterial Level II,
Coimbatore.
- 2.The IV Additional District and Sessions Judge,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.2177 of 2023

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.2177 of 2023

and

Crl.M.P.Nos.19646 & 19647 of 2023

and 2547 of 2024

12.02.2024