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CrI.R.C.No.2219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.2219 of 2024 and
CrI.M.P.No.17369 of 2024

J.Rajalakshmi

... Petitioner

Vs.

K.Siranjivi

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Code of Criminal Procedure r/w 438 and 442 of BNSS, to call for the records relating to the order dated 24.08.2023 made in C.M.P.No.2057 of 2022 in unnumbered Criminal Appeal on the file of the learned Principal District and Sessions Court, Namakkal to condone the delay in filing the Criminal Appeal against the judgment dated 25.02.2021 made in STC No.84 of 2019 on the file of the learned Judicial Magistrate/FTC, Tiruchengode and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.T.L.Thirumalaisamy



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ORDER

This Criminal Revision Case has been filed challenging the impugned order, dated 24.08.2023 in C.M.P.No.2057 of 2022 in Unnumbered Criminal Appeal passed by the learned Principal District and Sessions Judge, Namakkal dismissing the petitioner's petition for condonation of delay in filing the appeal against the judgment of conviction passed by the learned Judicial Magistrate, Fast Track Court, Tiruchengode in S.T.C.No.84 of 2019, dated 25.02.2021.

2.The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo six months Simple Imprisonment and to pay compensation of Rs.2,00,000/- to the respondent, in default, to undergo one month Simple Imprisonment. The petitioner had preferred an appeal before the learned Principal District and Sessions Judge, Namakkal/Lower Appellate Court belatedly and had not appeared in the condonation of delay petition and hence, the said petition was dismissed for default on 24.08.2023.



3.The learned counsel for the petitioner would submit that pursuant to the dismissal of the condone delay petition by the Lower Appellate Court, the petitioner was arrested on 21.11.2024 and she is in the Central Prison, Coimbatore; that the petitioner thereafter entered into a compromise with the respondent and the respondent had agreed to receive a sum of Rs.2,00,000/- in full and final settlement of all his claims; and that the sentence imposed by the Trial Court may be set aside.

4.Mr.T.L.Thirumalaisamy, learned counsel appearing for the respondent confirms the said fact. Today, the respondent is present in person before this Court and would confirm the receipt of Rs.2,00,000/- by way of demand draft and would submit that the conviction and sentence imposed on the petitioner may be set aside.

5.The relevant portion of the affidavit filed by the respondent reads as follows:

“4. I submit that while being so, the petitioner's husband namely Janagaraj, who is residing in Kamachi Nagar, Morur Post, Tiruchengode Taluk, Namakkal District,



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had settled the above said cheque amount of a sum of Rs.2,00,000/- to me vide demand draft drawn in my name bearing Demand Draft No.577932, dated 25.11.2024, Karur Vysya Bank at Tiruchengode Branch and the same is handed over to me and I have accepted the same.

5. *I submit that the above said case has been compromised. Under such circumstances, in order to achieve peace and harmony between the parties herein, I am giving my consent to compound the offence in S.T.C.No.84 of 2019 on the file of Judicial Magistrate, FTC, Tiruchengode as compromised by allowing this Criminal Revision Petition.”*

6. In view of the compromise arrived at between the parties, this Court is of the view that the conviction and sentence imposed on the petitioner vide judgment, dated 25.02.2021 in S.T.C.No.84 of 2019 by the learned Judicial Magistrate, Fast Track Court, Tiruchengode can be set aside.

7. Accordingly, the conviction and sentence imposed on the petitioner vide judgment, dated 25.02.2021 in S.T.C.No.84 of 2019 by the learned Judicial Magistrate, Fast Track Court, Tiruchengode is set aside. The petitioner is set at liberty and she is acquitted from the charges levelled



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against her. Consequently, the impugned order, dated 24.08.2023 passed by the learned Principal District and Sessions Judge, Namakkal in C.M.P.No.2057 of 2022 in Unnumbered Criminal Appeal is also set aside.

8.In the result, this Criminal Revision Case stands allowed.

Connected Criminal Miscellaneous Petition is closed.

05.12.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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Note: Issue Order Copy on 05.12.2024.

To

- 1.The Principal District and Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate/Fast Track Court,
Tiruchengode.
- 3.The Central Prison,
Coimbatore.



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SUNDER MOHAN, J.

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