



Crl.R.C.(MD).No.412 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.412 of 2024

and

Crl.M.P(MD).No.4471 of 2024

Chandramohan

... Petitioner

Vs.

S.Rani

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the Judgment dated 28.07.2023 made in Crl.A.No.54 of 2020 on the file of the 5th Additional District and Sessions Judge, Madurai by confirming the conviction made in S.T.C.No.519 of 2015 on the file of the Judicial Magistrate No.I/FTC at Magisterial Level, Madurai dated 30.09.2020 and set aside the same as illegal.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Ms.S.Prabha

ORDER

The petitioner filed this petition to set aside the Judgment dated 28.07.2023 made in Crl.A.No.54 of 2020 on the file of the 5th Additional District and Sessions Judge, Madurai, confirming the conviction made in S.T.C.No.519 of 2015 on the file of the Judicial Magistrate No.I/FTC at Magisterial Level, Madurai dated 30.09.2020



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2.The case of the respondent is that the petitioner and respondent are friends. On that basis, the petitioner borrowed a sum of Rs.10,00,000/- towards the settlement of his loan and his family expenses. Towards repayment of such due, the petitioner had issued cheque bearing No.140135, dated 20.07.2015 drawn on Indian Bank, South Masi Street, Madurai. While, the respondent presented the said cheque for encashment on 20.07.2015 before the Bank of India, Railway Station Main Branch, Madurai, and the same was returned with an endorsement as “Funds Insufficient”, for which, the complainant had also issued statutory notice on 31.07.2015. The notice was duly served on the petitioner on 01.08.2015 and further, the petitioner neither paid any amount nor sent any reply. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in S.T.C.No.519 of 2015 before the learned Judicial Magistrate No.I/FTC at Magisterial Level, Madurai.

3.Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, the complainant has been examined as P.W.1 and exhibited 5 documents as Ex.P.1 to Ex.P.5 and no material objects were marked. On the side of the accused, four witnesses were examined as D.W.1 to D.W.4 and



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exhibited 3 documents as Ex.D.1 to Ex.D.3.

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4.The learned Judicial Magistrate No.I/FTC at Magisterial Level, Madurai, after full-fledged trial, has passed the judgment in S.T.C.No.159 of 2015 dated 30.09.2020, and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act, and sentenced him to undergo six months Simple Imprisonment and to pay compensation of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the complainant in default to undergo two months of Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned 5th Additional District and Sessions Judge, Madurai, in C.A.No.54 of 2020. However, the same was dismissed on 28.07.2023, thereby confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence imposed by the Courts below, the petitioner has preferred the present Criminal Revision Case.

5.Today (ie., on 18.04.2024), when the matter is taken up for hearing, both the learned counsel on record would submit that they have already filed joint compromise memo, which is extracted here under:-



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH**

(Criminal Revisional Jurisdiction)

Crl.R.C.(MD)Nos. A12 of 2024

Chandramohan, M/66,
S/o.Mayandi,
No.2, Ramnagar Padasalai,
4th Street, Karimedu,
Madurai.

... Petitioner

- Vs. -

S.Rani,
W/o.Raman,
No.27, Ilanthoppu 2nd Street,
Karimedu, Madurai.

... Respondent

JOINT MEMO OF COMPROMISE u/s. 320 (8) r/w. 482 OF Cr.P.C.

The Petitioners respectfully begs to submit as follows:

1. The Petitioner above named beg to prefer this Memorandum of Criminal Revision Petition against the order dated 28.07.2023 made in Crl.A.No.54 of 2020 on the file of the 5th Additional District and Sessions Judge, Madurai by confirming the conviction made in S.T.C.No.519 of 2015 on the file of the Judicial Magistrate No.1/FTC at Magisterial Level, Madurai, dated 30.09.2020, for the offence under Section 138 of Negotiable Instrument Act. After full-fledged trial the learned Judicial

Chandramohan
Petitioner/Accused

* *Rani*
Respondent



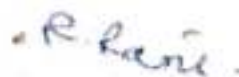
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Magistrate convicted me and sentenced to undergo 6 month Simple imprisonment and directed to pay Rs.10,00,000/- as compensation under Section 357[3] of Cr.P.C., in default to undergo 2 months simple imprisonment.

2. It is submitted that to avoid unpleasant situation, the Petitioner and the respondent had amicably resolved their disputes. Further, the respondent agreed to withdraw the case as against the Petitioner.
3. It is submitted that the Petitioner and the respondent are known to each other. Further, to avoid unpleasant situation, the Petitioner and the respondent, by considering the welfare of both the parties and at the intervention of well-wishers they had amicably resolved their disputes. It is pertinent to mention that the respondent voluntarily arrived consensus for withdrawal of the said case and they have assured that no undue influence or coercion had taken place at the instance of the Petitioner and further the respondent received the entire cheque amount from the petitioner.


Petitioner/accused


Respondent



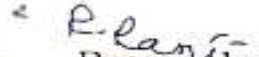
Crl.R.C.(MD).No.412 of 2024

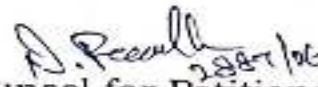
WEB COPY In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to record the settlement arrived in Crl.R.C.[MD]No. of 2024 on the file of this Hon'ble Court and permit the Petitioner to compound the case and consequently, quash the above said proceedings and thus render justice.

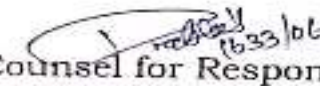
Dated at Madurai, this

Petitioner/Accused

8th day of April, 2024.


Respondent


Counsel for Petitioner
D. RAMESHKUMAR
Central Law College Salem
No. 148, Law Chamber
High Court, Madurai-23
9952789599


Counsel for Respondent.
S. PRABHA
Govt. Law College Madurai
No. 148, Law Chamber
High Court, Madurai-23
6381708783

6. The contents of the above joint compromise memo were read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded. Further, the respondent/complainant present before this Court and affirmed the statement of the receipt of the cheque amount. Hence, he has no objection to set aside the conviction and sentence imposed against the petitioner.



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7. In view of the compromise entered between the parties, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

8. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.I/FTC, at Magisterial Level, Madurai, in S.T.C.No.519 of 2015, dated 30.09.2020 and confirmed by the learned Vth Additional District and Sessions Judge, Madurai, in C.A.No.54 of 2020, dated 28.07.2023, are hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. Consequently, the connected Criminal Miscellaneous Petition is closed.

18.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

vsg



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To

1. The Learned 5th Additional District and Sessions Judge,
Madurai.
2. The Learned Judicial Magistrate No.I/
FTC at Magisterial Level,
Madurai.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

CrI.R.C(MD). No.412 of 2024
and
CrI.M.P(MD).No.4471 of 2024

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