



Crl.R.C(MD)No.482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.482 of 2024

and

Crl.M.P.(MD).Nos.5169 & 5170 of 2024

A.Mohamed Mohideen

.. Petitioner/Petitioner

Vs.

P.Selvarani

.. Respondent/Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order of conviction, passed by the learned Principal Sessions Judge, Thanjavur in C.A.No.73 of 2022, dated 14.06.2023 by confirming the order passed in S.T.C.No.76 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur, dated 26.08.2022 and set aside the same by allowing this revision petition.

For Petitioner : Mr.K.Mahendran

For Respondent : Mr.K.Prabhu

ORDER

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Principal Sessions Judge, Thanjavur, in Criminal Appeal No.73 of 2022 dated 14.06.2023, confirming the order in STC.No.76 of 2019 dated 26.08.2022, on the file of the learned



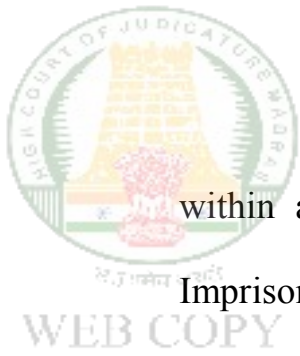
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Judicial Magistrate, Fast Tracks Court at Magisterial Level, Thanjavur.

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2. The petitioner borrowed a sum of Rs.3,50,000/- from the respondent on 20.09.2018. To discharge the said debt, he issued post dated cheque of Karur Vysya Bank, R.R.Nagar Branch, Thanjavur, bearing cheque No.000115 dated 20.12.2018. The respondent presented the cheque before the Canara Bank, Vallam Branch on 25.01.2019, the same was returned with an endorsement of "Funds Insufficient". Therefore, the respondent issued the legal notice on 21.02.2019. Even though the petitioner received the same, he has not sent any reply and has not made any payment. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur. The learned Judicial Magistrate taken the complaint on file in S.T.C.No.76 of 2019.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure, examined P.W.1 and perused the documents Ex.P.1 to Ex.P.6 and passed the conviction under Section 138 of Negotiable Instruments Act to undergo one year Simple Imprisonment and to pay a fine amount of Rs.3,50,000/-(Rupees Three Lakhs and Fifty Thousand only) to the respondent as compensation



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within a period of one month, in default, to undergo 2 months Simple Imprisonment by the Judgment dated 26.08.2022.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.73 of 2022 on the file of the learned Principal Sessions Judge, Thanjavur. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (30.04.2024), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under:-

***MEMORANDUM OF JOINT COMPROMISE FILED UNDER SECTION 147 OF
NEGOTIABLE INSTRUMENTS ACT***

The parties above named have compromised their dispute with reference to the above case in the following terms:

1.It is submitted that a private complaint has been filed by the respondent as against the Revision Petitioner for the offences under Section 138 of Negotiable Instrument Act before the Learned Judicial Magistrate, (Fast Track Court at Magisterial Level), Thanjavur in S.T.C.No.76 of 2019 wherein, the learned Judicial Magistrate, (Fast Track Court at Magisterial Level), Thanjavur by judgment



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dated 26.08.2022 convicted the revision petitioner and sentence to undergo one-year Simple Imprisonment and to pay a sum of Rs.3,50,000/- as Compensation within one month and in default of which, to undergo two months Simple imprisonment. As against the conviction the revision petitioner preferred an appeal before the learned District Principal Sessions Judges, Thanjavur in C.A.No.73 of 2022 and the same was dismissed by order dated 14.06.2023. As against the concurrent finding the revision petitioner has preferred the present revision petition before this Honourable Court and the same is pending in Crl.R.C.(MD).No.482 of 2024.

2.It is submitted that before delivering the judgment in C.A.No.73 of 2022, there was a compromise talk between the revision petitioner and the respondent. Based on the compromise the revision petitioner has paid a sum of Rs.2,80,000/- to the respondent on 17.06.2023 and further the revision respondent agreed to withdraw Rs.70,000/- which was deposited before the learned Judicial Magistrate, (Fast Track Court at Magisterial Level), Thanjavur in S.T.C.No.76 of 2019 based on the order passed in Crl.A.NO.73 of 2022. If the respondent filed petition for withdrawal of the amount deposited in the Trial Court, the revision petitioner has not objection for withdrawal of the said amount.

3.In view of the above compromise, the



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respondent has no objection to acquit the revision petitioner in the above case. Further the petitioner and the respondent also undertakes that they will not initiate any further proceedings in furtherance to the above dispute hereafter.

It is therefore prayed that this Hon'ble Court may be pleased to record the compromise arrived between the petitioner and the respondent dated 30.04.2024 and pass an order of acquittal of the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and thus render justice.

6.The contents of the above joint compromise memo are 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.

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, Fast Track Court at Magisterial Level, Thanjavur, in S.T.C.No.76 of 2019 dated 26.08.2022, and confirmed by learned Principal Sessions Judge, Thanjavur, in Criminal Appeal No.73 of 2022 dated



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14.06.2023, is 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, connected Miscellaneous Petitions are closed.

30.04.2024

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

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Note: Issue order copy on 24.07.2024

To

- 1.The learned Judicial Magistrate,
Fast Track Court at Magisterial Level,
Thanjavur.
- 2.The Principal Sessions Court,
Thanjavur.
- 3.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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