



Crl.R.C(MD).No.276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.276 of 2024

M.Paramasivam

... Petitioner

Vs.

Karuppasamy

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the impugned order in Crl.A.No.33 of 2021 on the file of the learned Additional District and Sessions Court, Virudhunagar, dated 29.01.2024 confirming the judgment of conviction made in C.C.No.195 of 2014 on the file of the learned Judicial Magisterial No.I, Virudhunagar dated 14.09.2021 and set aside the same and acquit the revision petitioner/appellant/accused from the charges levelled against him.

For Petitioner : Mr.K.Salai Arul Mani

For Respondent : Mr.S.Ramasamy



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ORDER

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This Criminal Revision Case has been filed to call for the entire records relating to the impugned order in Crl.A.No.33 of 2021 on the file of the learned Additional District and Sessions Court, Virudhunagar, dated 29.01.2024 confirming the judgment of conviction made in C.C.No.195 of 2014 on the file of the learned Judicial Magisterial No.I, Virudhunagar dated 14.09.2021 and set aside the same and acquit the revision petitioner/appellant/accused from the charges levelled against him.

2. The petitioner borrowed a sum of Rs.7,00,000/- from the respondent on 10.04.2014. To discharge the said debt, he issued cheque on 10.07.2014 drawn on the bank of Pandian Grama Bank, Virudhunagar. The respondent presented the cheque before his Bank and the cheque was returned with an endorsement “Insufficient Funds”. Therefore, the respondent issued the legal notice on 15.07.2014. Even though the petitioner received the same, he neither paid the amount nor sent any reply. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Judicial Magisterial No.I, Virudhunagar and the learned Judicial Magistrate taken the complaint on file in C.C.No.195 of 2014.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. On the side of the complainant P.W.1 and P.W.2 were examined and Ex.P.1 to Ex.P.6 were marked and on the side of the accused 3 witnesses, namely, D.W.1 to D.W.3 were examined and marked Ex.D1 to Ex.D6. The learned Judge convicted the petitioner/accused under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year rigorous Imprisonment and to pay a fine amount of Rs.7,00,000/- to the respondent as compensation in default, to undergo one month Simple Imprisonment by the Judgment dated 14.09.2021.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.33 of 2021 on the file of the learned Additional District and Sessions Court, Virudhunagar. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (25.07.2024), when the matter was taken up for hearing, both 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 Original Jurisdiction)
Crl.R.C.(MD)No. 276 of 2024

M.Paramasivam, M/29 Years
S/o.Mariappa Thevar,
Perumal Kovil Street,
West Car Street,
Virudhunagar.

...Appellant

/Vs/

Karuppasamy
S/o.Mariappan,
No.156, Annai Sivagamipuram,
Virudhunagar.

...Respondent

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND THE RESPONDENT

1. The Appellant states that the respondent herein filed a private complaint before the Learned Judicial Magistrate No.I, Virudhunagar for offence U/s.138 of NI Act against him for dishonouring of cheque amount of Rs.7,00,000/- and same was taken on file in C.C.No.195/2014.

2. The Appellant states that after full fledged trial the appellant convicted and sentenced him to 1 year R.I. and directed to pay cheque amount of Rs.7,00,000/- to the respondent by judgment dated 14.09.2021. The appellant further states that as against the conviction and sentence the appellant filed an appeal before the Additional District and Sessions Judge, Virudhunagar in C.A.No.33/2021 and where also the Trial Court judgment was confirmed and appeal dismissed, as against the appellate court judgment, the appellant filed



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a criminal revision before this Hon'ble Court in Crl.R.C.(MD) No.276/2024.

3. The Appellant states that while pending the Criminal Revision, the appellant paid entire cheque amount of Rs.7,00,000/- to the respondent and the respondent also received the amount and settled the matter in out of court. The respondent is do not want to proceed further against the appellant.

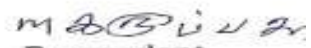
4. The Appellant states that in view of settlement arrived in between the appellant and the respondent, this Hon'ble Court may be pleased to compound the offence as per Section 147 of NI Act and also the appellant states that he deposited a sum of Rs.2,40,000/- as conditional order before the Judicial Magistrate No.I, Virudhunagar, in view of settlement reached he may be permitted to withdraw the amount of Rs.2,40,000/-.

Hence it is prayed that this Hon'ble Court may be pleased to accept the compromise memo filed by both parties and compound the case in Crl.R.C.(MD) No.276 of 2024 on the file of this Hon'ble Court and thus render justice.

Dated at Madurai that the 25th of July, 2024.


Appellant


Counsel for Appellant


Respondent


Counsel for Respondent

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.



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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 Magisterial No.I, Virudhunagar, in C.C.No.195 of 2014 dated 14.09.2021, and confirmed by learned Additional District and Sessions Court, Virudhunagar, in Criminal Appeal No.33 of 2021 dated 29.01.2024, 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. The respondent also permitted to withdraw the amount that had been already deposited by the petitioner before the learned Judicial Magistrate No.1, Virudhunagar in C.C.No.195 of 2014.

25.07.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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- 1.The Additional District and Sessions Court,
Virudhunagar.
2. The learned Judicial Magisterial No.I,
Virudhunagar.
- 3.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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