



Crl.R.C(MD)No.586 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 03.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD) No.586 of 2019

and

Crl.M.P(MD) Nos.7324 and 7325 of 2019

G.Muthumani

.. Petitioner /Appellant/Sole Accused

Vs.

M.Muthukrishnan

.. Respondent/ Respondent/ Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining and set aside the conviction and sentence imposed by the Additional District Judge, Srivilliputhur in Crl.A.No.42 of 2015 on 17.07.2019 in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Rajapalayam, in C.C.No.362 of 2013 on 15.04.2015 and allow this Criminal Revision Petition.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.D.Thilagarani



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ORDER

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This Criminal Revision Case is filed to set aside the conviction and sentence imposed by the learned Additional District Judge, Srivilliputhur in Crl.A.No.42 of 2015 on 17.07.2019 in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Rajapalayam, in C.C.No.362 of 2013 on 15.04.2015 and allow this Criminal Revision Petition.

2. The petitioner is the accused before the learned Judicial Magistrate, Rajapalayam, in C.C.No.362 of 2013. The accused borrowed a sum of Rs.3,00,000/- from the respondent as hand loan in the month of April, 2013. For the purpose of making repayment, the petitioner/accused issued cheque for a sum of Rs.3,00,000/-, dated 08.08.2013. The said cheque was dishonoured. Thereafter, the respondent issued a legal notice on 03.09.20213. Upon receipt of the same, the petitioner have sent a reply notice on 19.09.2013. Thereafter also, he did not repay the loan amount. Hence, the respondent/complainant filed a complaint under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate, Rajapalayam, and the same was taken on file in C.C.No.362 of 2013.



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3. Thereafter, the learned Judicial Magistrate, Rajapalayam, has passed an order convicting the petitioner and sentencing him to undergo one year Simple Imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo three months Simple Imprisonment, vide order dated 15.04.2015. Aggrieved over the same, the accused preferred an appeal in C.A.No.42 of 2015 before the learned Additional District Judge, Srivilliputhur, and the learned appellate Judge has passed an order confirming the judgment passed by the learned Judicial Magistrate, Rajapalayam, vide order, dated 17.07.2019.

4. After issuance of notice, the matter was referred to Lok Adalat by 11.12.2021, on that date, the petitioner was present, but the respondent was absent, hence, the matter was post before the regular Court. Thereafter, on 12.08.2023, the matter was settled before the Lok Adalat stating that “both parties are present. The complainant is accepted that he has received the entire amount and he has already been withdrawn the same.” Hence, the matter was referred to the regular Court for setting aside the conviction and sentence.



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5. Considering the fact that the matter was entered into compromise between the parties before the Lok Adalat on 12.08.2023, this Court is inclined to set aside the order passed by the trial Court as well as the appellate Court.

6. In the result, this Criminal Revision Case is allowed. The impugned judgment, dated 15.04.2015 in C.C.No.362 of 2013 passed by the learned Judicial Magistrate, Rajapalayam and the judgment passed by the learned Additional District Judge, Srivilliputhur, in C.A.No.42 of 2015 vide order dated 17.07.2019 are hereby set aside. The petitioner/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.

03.04.2024

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

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To

- 1.The learned Judicial Magistrate,
Rajapalayam.
- 2.The learned Additional District Judge, Srivilliputhur.



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K.K.RAMAKRISHNAN, J.

Indu

**Order made in
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