



Crl.R.C.(MD)No.766 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE **MR.JUSTICE K.MURALI SHANKAR**

Crl.R.C.(MD)No.766 of 2024
and Crl.M.P.(MD)No.8738 of 2024
and Crl.M.P.(MD)Nos.8212 & 8215 of 2024

M.Venkatesh

... Petitioner/Accused

Vs.

S.Viswanathan

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 BNSS, to call for the records in C.A.No.16 of 2017 dated 05.06.2024 on the file of learned I Additional District and Sessions Judge, Tirunelveli which confirmed the judgment of conviction and sentence in STC.No.115 of 2011 dated 10.02.2017 on the file of the Judicial Magistrate No.IV, Tirunelveli and set aside both the judgments by allowing this revision.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondent : Mr.M.Jagadeesha Pandian



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ORDER

The Criminal Revision is directed against the Judgment of conviction and sentence passed in C.A.No.16 of 2017 dated 05.06.2024 on the file of the learned I Additional District and Sessions Judge, Tirunelveli, confirming the sentence, passed in STC.No.115 of 2011 dated 10.02.2017 on the file of the Judicial Magistrate No.IV, Tirunelveli.

2.When the matter was taken up for hearing on 27.08.2024, considering the submissions made by the learned counsel appearing for the petitioner and the respondent that the matter was settled between the parties, this Court has directed the petitioner to deposit 5% of the agreed amount before the High Court Legal Service Authority attached to this Bench.

3.When the matter is taken for hearing today, the learned counsel appearing for the petitioner has filed a memo dated 30.08.2024 along with receipt to show that 5% of the agreed amount, ie., Rs.15,712/- was deposited before the High Court Legal Services Committee, in pursuance of the direction of this Court. The above said Memo dated 30.08.2024 is recorded.



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4.The learned counsel appearing for the petitioner has also filed a petition under Section 147 of Negotiable Instruments Act r/w Section 359 (6) BNSS wherein, it has been stated that the petitioner has paid a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent.

5.In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of Negotiable Instruments Act. Hence, the Criminal Revision Petition is allowed and the judgments of the trial Court and the Appellate Court are set aside and the petitioner/accused is acquitted from the charges levelled against him. Consequently, Crl.M.P.(MD) No.8738 of 2024 is ordered and Crl.M.P.(MD)Nos.8212 & 8215 of 2024 are closed.

05.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

gns

To

- 1.The I Additional District and Sessions Judge, Tirunelveli.
- 2.The Judicial Magistrate No.IV, Tirunelveli.

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