



Crl.R.C.(MD)No.791 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.791 of 2024

and

Crl.M.P.(MD)No.8677 of 2024

M.Amirthalingam

... Petitioner

Vs.

V.Dhakshinamoorthy (Died)

D.K.Balaji

... Respondent

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 BNSS, to set aside the order in Crl.A.No.78 of 2019 dated 08.01.2024 on the file of the Additional District Judge/Presiding Officer Spl Court under EC Act, Thanjavur, modifying the sentence, passed in C.C.No.06 of 2017 (STC.No.396/2016) dated 27.12.2018 on the file of the Judicial Magistrate (Fast Track), Magistrate Level, Thanjavur.

For Petitioner : Mr.A.Senthil Kumar

For Respondent : Mr.L.Jeen Felix



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ORDER

The Criminal Revision is directed against the Judgment of conviction and sentence passed in Crl.A.No.78 of 2019, dated 08.01.2024 on the file of the Additional District Judge/Presiding Officer Spl Court under EC Act, Thanjavur,, modifying the sentence, passed in C.C.No.06 of 2017 (STC.No.396/2016) dated 27.12.2018 on the file of the Judicial Magistrate (Fast Track), Magistrate Level, Thanjavur.

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 02.09.2024 along with receipt to show that 5% of the agreed amount of Rs.10,000/- was deposited before the High Court Legal Services Committee, in pursuance of the direction of this Court. The above said Memo dated 02.09.2024 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 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. The learned counsel appearing for the petitioner would submit that the petitioner/accused is in Central Prison, Trichy.

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. The petitioner is ordered to be released from the prison, if not required in any other case. Consequently, Crl.M.P. (MD) No.8677 of 2024 is ordered.

05.09.2024

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

Note: Issue order copy on 06.09.2024



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K.MURALI SHANKAR, J.

gns

To

- 1.The Additional District Judge/Presiding Officer Spl Court under EC Act,
Thanjavur,
- 2.The Judicial Magistrate (Fast Track), Magistrate Level,
Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Trichy.

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