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CrI.R.C.No.185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.185 of 2022

Senthilkumar

... Petitioner/Accused

Versus

K.Ganeshbabu

... Respondent/Complainant

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., praying to set aside the order dated 08.04.2021 made in CrI.A.No.72 of 2019 on the file of the learned III Additional Sessions Judge, Villupuram @ Kallakurichi confirming the conviction in C.C.No.54 of 2018 dated 12.09.2019 on the file of the learned Judicial Magistrate, (Fast Track Court Magisterial Level), Kallakurichi by allowing this Criminal Revision Petition.

Petitioner : Mr.M.Ganesh
for Mr.N.Manoharan

For Respondent : Mr.J.Sagaya Jayaseelan



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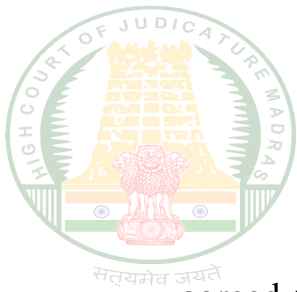


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ORDER

The petitioner/accused in C.C.No.54 of 2018 was convicted by the trial Court by the judgment dated 12.09.2019 on the complaint filed by the respondent for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and directed to pay the cheque amount of Rs.1,00,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.72 of 2019 before the III Additional Sessions Judge, Villupuram @ Kallakuruchi. The Sessions Judge, by the judgment dated 08.04.2021, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision is filed.

2.Though very many grounds have been raised by the petitioner and stoutly denied by the respondent, now the petitioner/accused and the respondent/complainant had come to an understanding. The respondent



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agreed to receive the cheque amount of Rs.1,00,000/- and give a quietus to the issue. The petitioner had already deposited 50% of the cheque amount, i.e., Rs.50,000/- on 19.03.2025 before the trial Court as per the orders of this Court dated 04.03.2025. A scanned copy of the receipt reads as follows:

As per the order of the Honble High Court of Judicature at Madras in Crl.Pc. No. 185/2022 dt: 04.03.2025. Cr.No: 54/2018

Crl-Misc-61(a) GBP-MDU-7-2013.

FOIL

No. 0592590

(Form of receipt to be granted by the Court)

JUDICIAL MAGISTRATE
(FAST TRACK COURT)
KAILAKURICHI

IN THE COURT OF THE

Received this 19-03- Day of 2025

from Senthilkumar s/o Raj

son of the

sum of Rs. 50,000/- (Fifty thousand only)

the whole/part of the cash security Amount
(50% of the cheque Amount)

Rs. 50,000/-

JUDICIAL MAGISTRATE
(FAST TRACK COURT)
KAILAKURICHI

19/3/25



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3.Today, the petitioner as well the respondent and their respective counsel are present before this Court. Today, The petitioner paid the balance amount of Rs.50,000/- in cash. Both the parties confirmed the compromise and now the entire amount has been settled to the satisfaction. Both the parties filed a compounding petition signed by both parties and their respective counsel in Crl.M.P.No.8615 of 2025 in Crl.R.C.No.185 of 2022 invoking Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence.

4. In view of the compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in C.C. No.54 of 2018 is compounded.

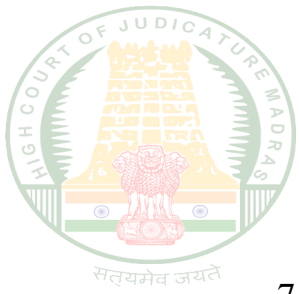


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5.The learned counsel for the respondent/complainant seeks appropriate direction to receive the amount of Rs.50,000/-, which was deposited before the trial Court. The petitioner has got no objection for the same.

6.In the result, the case between the petitioner and the respondent are compounded. Hence, the judgment dated 08.04.2021 made in Crl.A.No.72 of 2019 on the file of the learned III Additional Sessions Judge, Villupuram @ Kallakurichi, confirming the judgment dated 12.09.2019 made in C.C.No.54 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi, is set aside and the revision is, accordingly, allowed. The revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.



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7.The respondent/complainant is directed to file an appropriate petition/memo before the trial Court seeking return of Rs.50,000/-. On such filing, the trial Court is directed to return the amount of Rs.50,000/- deposited by the petitioner in C.C.No.54 of 2018 along with the accrued interest if any, dispensing notice to the petitioner.

22.04.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

rsi

Note: Issue order copy on 05.05.2025.



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To

1.The III Additional Sessions Judge,
Villupuram @ Kallakurichi.

2.The Judicial Magistrate,
Fast Track Court, Kallakurichi.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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