



Crl.R.C.No.94 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.94 of 2025

A.Ashok Kumar

...Petitioner

-Vs-

T.S.Palanivel

...Respondent

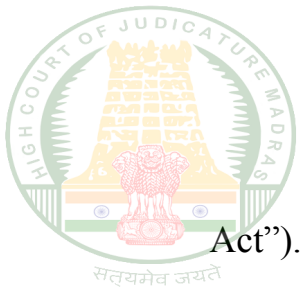
Prayer: Criminal Revision Case filed under Section 438 of BNSS, 2023, to set aside the judgment dated 29.08.2024 passed in C.A.No.40 of 2021 by learned District and Sessions Judge, Tirupattur, Tirupattur District, confirming the judgment dated 06.05.2021 passed in S.T.C.No.488 of 2015 by the learned Judicial Magistrate, Vaniyambadi.

For Petitioner : Mr.P.A.Sudesh Kumar

For Respondent : Mr.ArunAnbumani

ORDER

This criminal revision is filed by the accused against the concurrent judgment of both the Courts below, whereby he was convicted for the offence under Section 138 of Negotiable Instruments Act (in short “ NI



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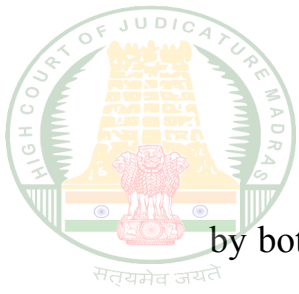
Act”).

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2 The petitioner is an accused and the respondent is complainant.

The respondent/complainant filed complaint against the petitioner/accused under Section 200 Cr.P.C. for the offence under Section 138 of NI Act, which was taken on file in S.T.C.No.488 of 2015. The learned Judicial Magistrate, Vaniyambadi, Vellore District, after hearing both the parties, by an order dated 06.05.2021 convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year and to pay compensation of Rs.8,15,000/-, in default, to undergo simple imprisonment for a further period of three months. Aggrieved against the judgment of conviction, the petitioner/accused has preferred an appeal in C.A.No.40 of 2021. The learned District and Sessions Judge, Tirupattur, Tirupattur District, after hearing the respective parties, by judgment dated 29.08.2024, confirmed the order of conviction and sentence passed by the learned Judicial Magistrate, Vaniyambadi.

3 Aggrieved over the concurrent judgment of conviction passed



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by both the Court below, the petitioner is before this Court with the present criminal revision case.

4 Today, the learned counsel for the petitioner/accused submitted that the petitioner paid the entire amount and the respondent/accused has also acknowledged the same and to that effect joint compromise memo has also been filed. Further this Court while granting the order of suspension of sentence, recorded all the above facts.

5 It is seen that this Court, while granting the relief of suspension of sentence, vide its order dated 28.01.2025, made a clear observation that the petitioner/accused, while filing the appeal against the judgment of conviction, deposited a sum of Rs.1,63,000/- before the lower appellate Court and now he paid Rs.6,50,000/- to the respondent/complainant. The respondent/complainant also acknowledged the receipt of the said sum of Rs.6,50,000/- and he also stated that joint compromise memo has also been filed for compounding the offence under Section 138 of NI Act.



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6 In view of the above facts and the joint compromise memo

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filed by the parties, this Criminal Revision Case shall stand closed and the offence under Section 138 of Negotiable Instruments Act tried in S.T.C.No.488 of 2015, by the learned Judicial Magistrate, Vaniyambadi, Tirupattur, shall stand compounded. According to Section 320(8) Cr.P.C., the petitioner/accused shall stand acquitted of all charges in S.T.C.No.488 of 2015 against him. Further the respondent/complainant is at liberty to withdraw the amount of Rs.1,63,000/- deposited by the petitioner/accused to the credit of S.T.C.No.488 of 2015 on the file of the Judicial Magistrate, Vaniyambadi, Tirupattur.

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Index : Yes/No

Speaking Order/Non Speaking Order
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To

1. The District and Sessions Judge, Tirupattur, Tirupattur District.
2. The Judicial Magistrate, Vaniyambadi.



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P.VELMURUGAN, J.,
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