



CrI.R.C.No.79 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.79 of 2022

Parasuraman

... Petitioner

Vs.

S.Sampath

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned Principal Sessions Judge, Vellore dismissing the appeal filed by the petitioner in CrI.A.No.106 of 2019 dated 30.10.2021 by confirming the judgment and conviction of the trial Court learned Judicial Magistrate, Gudiyatham, Vellore District in C.C.No.251 of 2012 dated 23.10.2019 under Section 138 of N.I.Act, to undergo Simple Imprisonment for two years and further directing the accused to pay double the cheque amount i.e., Rs.2,00,000/- as compensation.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.G.S.Prabhu

ORDER



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The petitioner was convicted by judgment, dated 23.10.2019 in CC.No.251 of 2012 by the learned Judicial Magistrate, Gudiyatham (Trial Court) for offence under Sections 138 of Negotiable Instruments Act, 1881 and sentenced to undergo two years Simple Imprisonment and to pay double the cheque amount Rs.2,00,000/- as compensation to the respondent. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Principal Sessions Judge, Vellore (Lower Appellate Court) in Crl.A.No.106 of 2019. The Lower Appellate Court, by judgment dated 30.11.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that now the issue between the petitioner and the respondent got resolved and that the respondent agreed to receive the cheque amount of Rs.1,00,000/-. At the time of admission of the appeal filed before the Lower Appellate Court, the petitioner deposited Rs.40,000/- to the credit of CC.No.251 of 2012 on the file of the Trial Court *vide* receipt No.73793, dated 09.01.2020. Similarly, at the time of admission of the revision filed before this Court, the petitioner deposited Rs.20,000/- to the credit of CC.No.251 of 2012 on the file of the Trial Court *vide* receipt No.0049060, dated 18.02.2022. Now, the petitioner paid the balance cheque



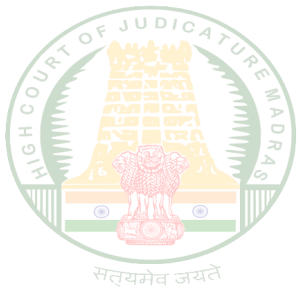
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amount of Rs.40,000/- by way of demand draft No.620833, dated 08.04.2025

drawn in favour of the respondent. Hence, the cheque amount of Rs.1,00,000/- paid to the respondent.

3.The learned counsel for the respondent confirms the compromise entered between the petitioner and the respondent and also confirms the receipt of the entire cheque amount of Rs.1,00,000/-. He further submitted that the respondent may be permitted to withdraw the deposited amount of Rs.60,000/- (Rs.40,000/- + Rs.20,000/-) by filing appropriate petition before the Trial Court. At this juncture, the learned counsel for the petitioner submits that the petitioner has got no objection for the said withdrawal.

4.Today, the petitioner and the respondent present before this Court and this Court had interacted with the respondent. The respondent reaffirmed the compromise entered with the petitioner and receipt of entire amount. The scanned reproduction of the payment of receipts and demand draft, dated 08.04.2022 are as follows:



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Crl.Misc.61-A/H C.B.P., Ch.104/Feb-2005
FOIL

No. **73793** (Form of receipt to be granted by the Court)

IN THE COURT OF ~~Judicial Magistrate~~
~~Gudiyattam,~~

Received this 24th Jan day of 20 20.

from Parasuraman S/O
Dharmaraj
Advocate General for
T.M. Manogaran
son of the

sum of Rs. 40000/- (Four thousand only) being
Honble Principal Session Judge,
value in comp. no. 5641/19.
in CA. 106/2019 Dt.
the whole/part of the 16-12-2019.

Rs. 40,000/-

Judicial Magistrate
Gudiyattam,

Fixed Deposit

Crl.Misc.61-A. GBP.-Mdu.-2011.

FOIL

No. **0049060** (Form of receipt to be granted by the Court)

IN THE COURT OF THE ~~Judicial Magistrate~~
~~Gudiyattam,~~

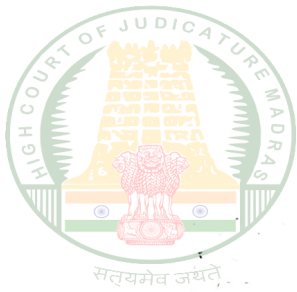
Received this 18-02-2022 Day of 20

from To. m. manogaran, Advocate for
the person and / and
son of Parasuraman S/O Dharmaraj
the

sum of Rs. 20000/- (Twenty thousand only) being
As per order of the Honble
High Court of the Col. mp. 753 2015
1/2021 in Crl. R.C. No. 79/2022
the whole/part of the Dt. 31-01-2022

C.C. 251/2012
CA. 106/2015
Rs. 20000/-

Judicial Magistrate
Gudiyattam,
18/2/22



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Indian Bank (बारीकत शाखा / ISSUING BRANCH)
RANIPET IND.COMPLEX(0092S)
ALLAHABAD

मार्ग जाने पर ON DEMAND PAYS SAMPATH या उनके आदेश पर OR ORDER

रुपये RUPEES Forty Thousand Only

प्राप्त मूल्य के लिये अदा करें FOR VALUE RECEIVED ₹ 40000.00

App Name: D Parasuraman
T22/MDDK620833
GUDIYATHAM
00126
(बारीकत शाखा Drawee Branch)

अधिकृत हस्ताक्षरकर्ता 708337 अधिकृत हस्ताक्षरकर्ता
Authorized Signatory (S.S. No.) Authorized Signatory (S.S. No.)

Please sign above

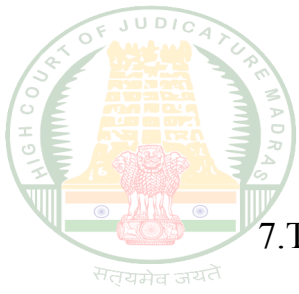
T22/MDDK

620833 0000 190001

09/04/25

5.It is seen that at the time of admission of the appeal filed before the Lower Appellate Court, the petitioner deposited Rs.40,000/- to the credit of CC.No.251 of 2012 on the file of the Trial Court *vide* receipt No.73793, dated 09.01.2020. Similarly, at the time of admission of the revision filed before this Court, the petitioner deposited Rs.20,000/- to the credit of CC.No.251 of 2012 on the file of the Trial Court *vide* receipt No.0049060, dated 18.02.2022. Now, the petitioner paid the balance cheque amount of Rs.40,000/- by way of demand draft No.620833, dated 08.04.2025 drawn in favour of the respondent. The same is acknowledged by the respondent.

6.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court accepts the compromise entered between them.



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7.The respondent is directed to file appropriate petition/memo before the

Trial Court. On such filing, the Trial Court to permit the respondent/complainant to withdraw the amount of Rs.60,000/- along with the accrued interest if any, without any notice to the petitioner.

8.In the result, the judgment, dated 23.10.2019 in CC.No.251 of 2012 passed by the learned Judicial Magistrate, Gudiyatham and the judgment, dated 30.11.2021 passed by the learned Principal Sessions Judge, Vellore in Crl.A.No.106 of 2019 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

09.04.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1.The Principal Sessions Judge,
Vellore.

2.The Judicial Magistrate,
Gudiyatham.

Note: Issue Order Copy on 15.04.2025.



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M.NIRMAL KUMAR, J.

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