



WEB COPY



Crl.RC No.2 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2 of 2025

Jegajothi

... Petitioner

Vs.

Rafi Ahamed

... Respondent/complainant

PRAYER: Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C. / 438 r/w 442 of BNSS, to call for the records and set aside the judgment dated 17.08.2023 made in Crl.A.No.38 of 2020 passed by the learned IV Additional District & Sessions Judge, Coimbatore, confirming the judgment of conviction and sentence, dated 02.12.2019, made in C.C.No.784 of 2024 passed by the learned Judicial Magistrate, Fast Track Court No.1, Magisterial Level, Coimbatore.

For Petitioner : Mr.B.Jawahar

For Respondents : Mrs.K.M.Bhuvana
for Mr.P.Tamilavel

ORDER

The Criminal Revision Petition challenges the conviction of the petitioner for the offences under Section 138 of the Negotiable Instruments Act and sentence imposed on the petitioner to undergo



simple imprisonment for six months and to pay a compensation of Rs.3,44,000/- to the complainant within two months from the date of judgment, in default to undergo simple imprisonment for two months.

2. The case of the respondent is that the petitioner towards discharge of his liability has issued a cheque for Rs.3,44,000/-; that when the cheque was presented for collection, the same was dishonoured for the reason “Account Blocked Situation Covered”; and that in spite of statutory notice, the petitioner failed to make the payment.

3. During the pendency of the revision, the parties have arrived at a settlement, reduced the terms in writing and have filed a Joint Memo of Compromise, stating that respondent had agreed to receive a sum of Rs.4,68,800/- [Rupees Four Lakhs Sixty Eight Thousand and Eight Hundred only] in full and final settlement of all his claims; that he has received a sum of Rs.4 Lakhs by way of Demand Draft today i.e., on 30.01.2025; and that he may be permitted to withdraw Rs.68,800/- deposited by the petitioner before the trial Court, during the pendency of the appeal. The scanned copy of the Joint Memo of Compromise dated 30.01.2025 duly signed by the respondent and the learned counsel for



Crl.RC No.2 of 2025

both parties, is as follows:

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl. RC. No. 2 of 2025

Jegajothi (F/46),
W/o. Jeganathan,
1473, Nadar Colony,
Trichy Road,
Coimbatore.

...Petitioner

/vs/

Rafi Ahamed (M/66),
S/o. Abdul Wahab,
341, Dr. Rajendra Prasad Road,
Talabed,
Coimbatore.

... Respondent

JOINT COMPROMISE MEMO

1. It is respectfully submitted that the petitioner has filed above said Criminal Revision to challenging the order dated 17.08.2023 made in Crl. A. No. 38 of 2020 passed by the Learned IV Additional District & Sessions Court, Coimbatore, by confirming the conviction of sentence for six months simple imprisonment and to pay a compensation of Rs.3,44,000/- in default to undergo 2 months imprisonment made in C.C. No. 784 of 2014 dated 02.12.2019, passed by the Learned Judicial Magistrate, Fast Track Court No. 1, Magisterial Level, Coimbatore. Pending above revision compromise made between the parties in view of affidavit filed by the respondent/complainant dated 30.01.2025. The respondent/complainant had received a sum of had paid Rs.4,00,000/- (Rupees Four Lakhs only) by way of demand draft drawn on HDFC Bank, vide D.D No.000135 dated 28.01.2025 towards liability and compounding charges.



WEB COPY



Cri.RC No.2 of 2025

-2-

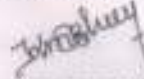
2. It is respectfully submitted that the Petitioner/Accused has already deposited a sum of Rs.68,800/- (Rupees Sixty-Eight Thousand Eight Hundred only) before the trial court at the time of suspend of sentence, which is compensation amount ordered by the Learned Principal District Judge, Coimbatore in CMP. No. 163/2020 dated 20.01.2020. Now the Petitioner/Accused hereby agrees to withdraw the same by the respondent/complainant with accrued interest ~~thereon if any~~.

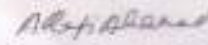
3. It is respectfully submitted that, the respondent/complainant hereby accepted the aforesaid total amount of Rs.4,68,800/- (Rupees Eighteen Lakhs and sixty thousand only) along with accrued interest in complete satisfaction of the amount of liability and compounding thereon. Therefore, the both petitioner and respondent requested that the matter be taken for appropriate consideration, in the light of the compromise and the said revision petition may be ~~dismissed~~ ^{allowed} as settled.

In the above said circumstances, it is therefore prayed that this Hon'ble Court may be pleased to ~~dismiss~~ ^{allow} the above Cri. Rc. No. 2 of 2025 ~~and set aside the conviction confirmed in CRI.R. No. 38 of 2020~~ as settled out of court and further permit the respondent/complainant to withdraw Rs.68,800/- (Rupees Sixty-Eight Thousand Eight Hundred only) along with accrued interest ^{if any} lying before the learned trial Court and thus render justice.

Dated at Chennai on this the 30th day of January, 2025


COUNSEL FOR PETITIONER


COUNSEL FOR RESPONDENT


(A. Rafiq Ahmed)
(Respondent)



WEB COPY

4. The respondent has also filed an affidavit dated 30.01.2025 consenting for compounding of the offence.

5. In view of the compromise arrived at and since the offence under Section 138 of the Negotiable Instruments Act, is compoundable, this Court is inclined to accept the Joint Compromise Memo dated 30.01.2025 and set aside the conviction and sentence imposed on the petitioner by the trial Court.

6. Accordingly, the Joint Compromise Memo dated 30.01.2025 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 30.01.2025. The conviction and Sentence imposed upon the petitioner vide judgment dated 02.12.2019 made in C.C.No.784 of 2019, by the learned Judicial Magistrate, Fast Track Court No.1, Magisterial Level, Coimbatore and confirmed by the judgment dated 17.08.2023 made in Crl.A.No.38 of 2020 passed by the learned IV Additional District & Sessions Judge, Coimbatore, are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.



Crl.RC No.2 of 2025

WEB COPY

7. The respondent is permitted to withdraw Rs.68,800/- [Rupees Sixty Eight Thousand and Eight Hundred only] deposited in the trial Court, with accrued interest, by filing appropriate application. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged.

30.01.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
ars



Crl.RC No.2 of 2025

WEB COPY

- To
1. The IV Additional District & Sessions Judge,
Coimbatore.
 2. The Judicial Magistrate,
Fast Track Court No.1, Magisterial Level,
Coimbatore.



WEB COPY



Crl.RC No.2 of 2025

SUNDER MOHAN, J.

ars

Crl.R.C.No.2 of 2025

30.01.2025