



Crl.R.C. No.325 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.325 of 2025

Penupothu Rambabu

... Petitioner/Accused

Vs.

1.The State

Rep by S.H.O. Yanam Police Station,
Through Public Prosecutor,
Puducherry.

2.Sangani Tata Rao,

Son of Sangani Rammurthy,
D.No.7-11-178, Old Rajeev Nagar,
Yanam, Puducherry.

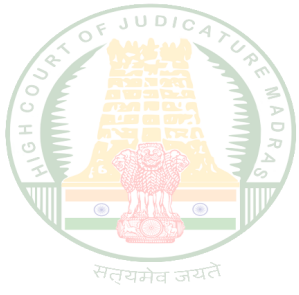
... Respondent/complainant

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of BNSS, to set aside the order passed in Criminal Appeal No.35 of 2018 dated 18.01.2023 by learned III Additional Sessions Judge at Puducherry, confirming the sentence passed in S.T.C.No.109 of 2017 dated 16.06.2018 by the learned Judicial Magistrate, Yanam and restore the said complaint.

For Petitioner : Ms.S.Rajeni Ramadass

For Respondent-1 : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

For Respondent-2 : Mr.D.Prasanna Kumar
Legal Aid Counsel



ORDER

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The Criminal Revision Petition challenges the conviction of the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentence imposed on the petitioner to undergo simple imprisonment for one year and to pay double the cheque amount of Rs.60,000/- as compensation.

2.The petitioner/accused was prosecuted by the respondent for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.109 of 2017. The trial Court, by the judgment dated 16.06.2018, convicted the petitioner and sentenced him to undergo simple imprisonment for one year and directed to pay double the cheque amount of Rs.60,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in Crl.A.No.35 of 2018 before the learned III Additional Sessions Judge, Puducherry. The learned Sessions Judge, by the judgment dated 18.01.2023, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, the present revision.



WEB COPY 3.Pursuant to the order passed by this Court on 19.02.2025, today, the petitioner/accused and the second respondent/complainant present in person and confirm the compromise arrived at between them. In support of the same, both the learned counsel for petitioner as well as respondent filed a Petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.3516 of 2025 for compounding the offence along with the affidavit of petitioner and second respondent and a Joint Compromise Memo dated 25.02.2025 signed by the petitioner and the second respondent and by their respective counsel.

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 S.T.C. No.109 of 2017 is compounded.

5.In view of the same, the Joint Compromise Memo dated 25.02.2025 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo, dated 25.02.2025. The conviction and sentence imposed on the petitioner vide judgment dated 18.01.2023



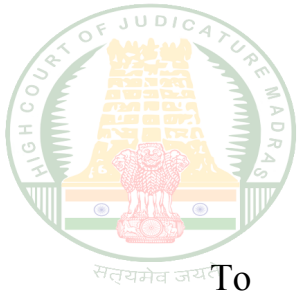
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made in Crl.A.No.35 of 2018 on the file of the learned III Additional Sessions Judge, Puducherry, confirming the judgment dated 16.06.2018 made in S.T.C.No.109 of 2017 on the file of the learned Judicial Magistrate at Yanam, is set aside and the revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

6.This Court appreciates the service rendered by Mr.D.Prasanna Kumar, learned Legal Aid Counsel for second respondent. The Tamil Nadu State Legal Services Authority shall pay the remuneration to Mr.D.Prasanna Kumar, Legal Aid Counsel.

26.02.2025

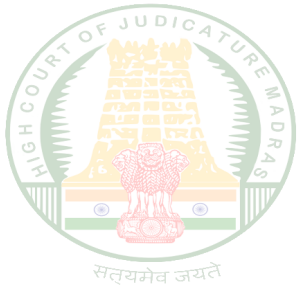
Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
rsi



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To
WEB COPY

- 1.The III Additional Sessions Judge,
Puducherry.
- 2.The Judicial Magistrate,
Yanam.
- 3.The Station House Officer,
Yanam Police Station,
Through Public Prosecutor,
Puducherry.
- 4.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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