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CrI.R.C.No.286 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.286 of 2021
and CrI.M.P.No.3771 of 2025

M.Nandhakumar

... Petitioner

Vs.

Karthikeyan

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to set aside the conviction imposed in the judgment dated 03.11.2020 made in C.A.No.39 of 2019 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam confirming the judgment dated 10.08.2019 made in STC.No.4756 of 2014 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.J.Ranjithkumar



ORDER

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The petitioner was convicted by judgment, dated 10.08.2019 in S.T..C.No.4756 of 2014, by the learned Judicial Magistrate No.I, Gobichettipalayam, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.1,00,000/- as compensation to the respondent. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the III Additional District and Sessions Court, Erode at Gobichettipalayam/lower appellate Court in C.A.No.39 of 2019. The learned III Additional District and Sessions Judge, Erode at Gobichettipalayam by judgment dated 03.11.2020, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that the petitioner approached the respondent and borrowed a sum of Rs.1,00,000/- based on the friendly relationship, for his urgent needs. In discharge of the said liability, the petitioner issued a Axis Bank Limited, Erode Branch cheque bearing No.110783 for



Rs.1,00,000/-. When the cheque was presented for encashment, the same was returned for the reason 'Funds Insufficient'. After following the statutory conditions, complaint was filed by the respondent.

3.During trial, the respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P7. On the side of the petitioner, the petitioner examined himself as D.W.1 and marked Ex.D1 to Ex.D3. The trial Court on conclusion of trial found the petitioner guilty and convicted him as stated above.

4.The learned counsel for the petitioner submits that now the issue between the petitioner and the respondent got resolved. He would submit that the petitioner paid the entire cheque amount of Rs.1,00,000/- to the respondent. Hence, prayed for allowing the revision and discharging the petitioner from the above case.

5.Today, the petitioner and the respondent are present before this Court through video conferencing. Both the parties confirmed that the issue between the petitioner and the respondent amicably resolved.



Crl.R.C.No.286 of 2021

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7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 10.08.2019 in S.T.C.No.4756 of 2014, passed by the learned Judicial Magistrate No.I, Gobichettipalayam and the judgment dated 03.11.2020 passed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in C.A.No.39 of 2019 are set aside and the revision is allowed accordingly. The petitioner is acquitted of all the charges levelled against him. Consequently, connected miscellaneous petition is closed.

25.02.2025

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



Crl.R.C.No.286 of 2021

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To

- 1.The III Additional District and Sessions Judge,
Erode at Gobichettipalayam.
- 2.The Judicial Magistrate No.I,
Gobichettipayalam.



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Crl.R.C.No.286 of 2021

M.NIRMAL KUMAR, J.

cse

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