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Crl.R.C.No.847 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.847 of 2021

K.Shoban Raj

... Petitioner/Accused

Versus

S.Saminathan

... Respondent/Complainant

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., praying to allow this Criminal Revision Petition and set aside the judgment of conviction imposed by the I Additional District Judge, Salem in C.A.No.42 of 2021 dated 16.09.2021 confirming the judgment in S.T.C.No.191 of 2016 on the file of the Judicial Magistrate IV, Salem dated 08.04.2021.

Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.M.Devaraj

ORDER

This Criminal Revision Case has been filed to set aside the judgment of conviction imposed by the I Additional District Judge, Salem in C.A.No.42



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of 2021 dated 16.09.2021 confirming the judgment in S.T.C.No.191 of 2016 on the file of the Judicial Magistrate IV, Salem dated 08.04.2021.

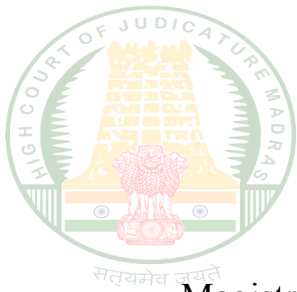
2.This Court, on 21.04.2025, had passed the following order:

“Pursuant to the order passed by this Court on 24.02.2025, the petitioner has now deposited a sum of Rs.2,75,000/- to the credit of S.T.C.No.191 of 2016 before the Judicial Magistrate-IV, Salem. The receipt is also produced.

2.The learned counsel appearing for the petitioner seeks a short accommodation to pay the balance amount of Rs.2,00,000/- on or before 30.04.2025. By then, the entire amount will be deposited before the trial Court and nothing further would remain for adjudication.

3.The petitioner has so far paid a substantial portion of the amount, except for the remaining Rs.2,00,000/-. Accordingly, the case is adjourned to 30.04.2025 under the caption “for orders”.

3.In continuation and conjunction to the earlier order passed by this Court on 21.04.2025, the petitioner had deposited a sum of Rs.2,00,000/- on 29.04.2025 to the credit of S.T.C.No.191 of 2016 before the Judicial



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Magistrate Court No.IV, Salem. A scanned reproduction of the receipt reads

as follows:

CR1. R.C. NO. 847/21 OF the
Hon'ble High Court Madras at
21.4.25

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

FOIL

No. **259936** STC. 191/16.
(Form of receipt to be granted by the Court) OF JM4
Salem

IN THE COURT OF THE JUDICIAL MAGISTRATE No. 4.
SALEM.

Received this **29th April** day of 20**25**.

from **K. Shobanraj**

son of **Krishna moorthy** the

sum of Rs. **2,00,000/-**) being

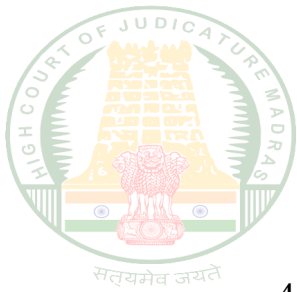
the whole/part of the

Rs. **2,00,000/-**

STC R
29/4/25

JUDICIAL MAGISTRATE No. 4,
SALEM.

29/4



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4.It is seen that the petitioner at the time of revision before this Court had deposited 50% of the cheque amount, i.e., Rs.4,75,000/- on 29.12.2021 to the credit of S.T.C.No.191 of 2016 before the trial Court. A scanned reproduction of the challan reads as follows:

CrI. R.C. No. 847/21 of 2021
HON'BLE HIGH COURT MADRAS

20250224-WA0024.jpg <https://mail.google.com/mail/u/0/>

Government of Tamil Nadu
E-Challan
Payable at - ST SALEM
Remitter Copy

Challan Number	20211229003047	Challan Date	29-Dec-2021	Payment Date	
Remitter Type	DDO	Remitter Code	14050020	Remitter Name	JUDICIAL MAGISTRATE IV.
Mobile No.	6382701441	Aadhaar No.		Remitter Address	HASTHAMPATTY
Department	06601-PUBLIC ACCOUNTS	District	SALEM	DDO Code	14050020
DDO / Office Name	JUDICIAL MAGISTRATE IV. SALEM	Department Transaction ID		Office Name	

Receipt Type	Sub Type	Acct Code	Amount	Reference No.	Remark
OTHERS	OTHERS	644300105AAB0102	475100	STC 191/2016	CRIMINAL COURT DEPOSIT

Payment Mode Offline Payment Type Cash Payment Status Pending
Challan Amount (Rs.) 475000 Bank Name SBI
Amount (in words) Four Lakh Seventy Five Thousand Rupees only Bank ref no. CPABHBFGD6
Remitter Sign *[Signature]* 29.12.2021
JUDICIAL MAGISTRATE No. 4,
For Bank Use *[Signature]* SALEM
Bank Branch Stamp and Signature of Cashier
STATE BANK OF INDIA
Collector Br - 15596 Salem
A - 29 DEC 2021
A JEYARAJAN Manager Account
PF No 5827804
Please Note*, Department Transaction ID and Office Name fields are created only for 4 interface department Registrar and Transport and CT for there specific requirements and the values entered in this fields are values passed by them from IFHRMS.
29 DEC 2021



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5. Thereafter, as per the direction of this Court, the petitioner deposited another sum of Rs.2,75,000/- on 16.04.2025 to the credit of S.T.C.No.191 of 2016 before the trial Court. A scanned reproduction of the challan reads as follows:

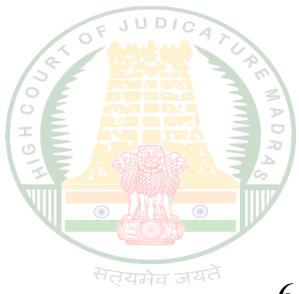
Government of Tamil Nadu
E-Challan
Payable at - ST SALEM
Remitter Copy

Challan Number 20250416009320 Challan Date 16-Apr 2025 Payment Date
Remitter Type DDO Remitter Code 14050020 Remitter Name JUDICIAL MAGISTRATE IV.
Mobile No. 7598064902 Aadhaar No. District SALEM Remitter Address Salem
Department 06601-PUBLIC ACCOUNTS DDO Code 14050020
DO / Office Name JUDICIAL MAGISTRATE IV, SALEM Department Transaction ID Office Name

Service Type	Acct Code	PD Number	Amount	Reference No.	Remark
PD Number	844300105AA80102	PD202303570502	275000	STC 191/2016	High court Crl.R.C.No.847/2021 Dated 24.02.2025

Payment Mode Offline Payment Type Cash Payment Status Pending
Challan Amount (Rs.) 2,75,000 Bank Name SBI
Amount (In words) Two Lakh Seventy Five Thousand Rupees only. Bank ref no. CPAFAOOEJ0
Remitter Signature S.T.C. 16/04/2025 JUDICIAL MAGISTRATE No. 4, SALEM.
For Bank Use
Bank Branch Stamp and Signature of Cashier
Manager/Accountant
Please Note*, Department Transaction ID and Office Name fields are created only for 4 interface department Registration and Transport and CT for there specific requirements and the values entered in this fields are values passed by them not from IFHRMS.

இயா,
அபராதக் தொகை ரூ. 2,75,000/-ஐ வங்கிக்கு
புகுத்தி ரசீதி கிடைத்தது. ரெமீட்டர் ரெகார்ட்டில்
J. V. K.



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6.The petitioner had deposited the entire amount of Rs.9,50,000/- to the credit of S.T.C.No.191 of 2016 before the trial Court. In view of the above, the petitioner had discharged his liability.

7.The learned counsel for the respondent/complainant submitted that pursuant to the order of this Court dated 24.02.2025, the respondent/complainant filed a petition seeking for return of Rs.4,75,000/-, which was earlier deposited on 29.12.2021 but so far no orders passed to withdraw the said amount. He further sought direction from this Court directing the trial Court to return the entire amount of Rs.9,50,000/- which was deposited by the petitioner along with accrued interest, if any.

8.The learned counsel for petitioner/accused has got no objection for the amount, which was deposited before the trial Court in S.T.C.No.191 of 2016, to be handed over to the respondent along with interest, if any.



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9.Today, the learned counsel for respondent filed a compounding petition in Crl.M.P.No.12430 of 2025 in Crl.R.C.No.847 of 2021 signed by both the parties and their respective counsel, invoking Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence.

10.The petitioner has discharged his cheque liability, which was admitted and accepted by the respondent. 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.191 of 2016 is compounded.

11.In the result, the case between the petitioner and the respondent are compounded. Hence, the judgment dated 16.09.2021 made in Crl.A.No.42 of 2021 on the file of the learned I Additional District Judge, Salem, confirming the judgment dated 08.04.2021 made in S.T.C.No.191 of 2016 on the file of the learned Judicial Magistrate No.IV, Salem, is set aside and the revision is,



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accordingly, allowed. The revision petitioner discharged for the offence under

Section 138 of the Negotiable Instruments Act.

12.The respondent/complainant is directed to file appropriate petition/memo before the trial Court seeking return of Rs.9,50,000/-, which is deposited in the credit of S.T.C.No.191 of 2016. On such petition, the trial Court is directed to return the amount of Rs.9,50,000/- deposited by the petitioner along with the accrued interest if any, dispensing notice to the petitioner and the amount to be returned to the respondent within a period of 15 days from the date of application.

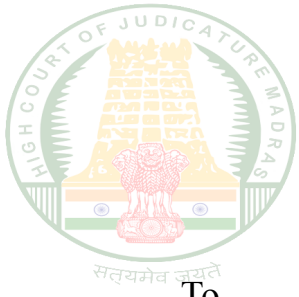
30.04.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

rsi



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To
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- 1.The I Additional District Judge,
Salem.
- 2.The Judicial Magistrate No.IV,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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30.04.2025