



Crl.R.C.(MD)No.39 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.39 of 2020

and

Crl.M.P.(MD)No.2376 of 2025

S.Pandiyan

... Petitioner

Vs.

R.Rajkumar

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., to set aside the order made in Crl.A.No.2 of 2016 on the file of the Principal District and Sessions Judge, Pudukkottai, dated 16.10.2019 confirming the judgment made in S.T.C.No.977 of 2011 on the file of Judicial Magistrate, Pudukkottai, dated 07.04.2015 convicting the petitioner for an offence under Section 138 of Negotiable Instrument act and sentence to undergo 6 months simple imprisonment.

For Petitioner : Mr.A.V.Rajasekaran

For Respondent : Mr.G.Sridharan



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ORDER

The Criminal Revision is directed against the Judgment of conviction and sentence passed in C.A.No.02 of 2016, dated 16.10.2019 on the file of the Principal District and Sessions Court, Pudukkottai, confirming the Judgment of conviction and sentence, dated 07.04.2015 passed in S.T.C.No.977 of 2011 on the file of the Judicial Magistrate Court, Pudukkottai.

2. When the matter is taken up for hearing today, the petitioner/sole accused and the respondent/complainant are present before this Court.

3. The learned counsel appearing for the petitioner has filed a memo dated 24.02.2025 along with receipt to show that the petitioner has deposited Rs.15,000/- (Rupees Fifteen Thousand only) being 5% of the agreed amount before the High Court Legal Services Committee attached to this Bench and the above said Memo is recorded.



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4. The learned counsel appearing for the petitioner as well as the respondent would submit that even though the cheque amount is Rs.7,00,000/-, the respondent had agreed to receive Rs.3,00,000/- towards final settlement from the petitioner and that while suspending the sentence, as per the direction of this Court, the petitioner has already deposited 20% of the cheque amount i.e., Rs.1,40,000/-.

5. The learned counsel appearing for the petitioner has also filed a compounding petition, wherein, it has been stated that as agreed by both the parties, the petitioner has paid a sum of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only) to the respondent through Demand Draft No.814246 dated 07.02.2025.

6. In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 320(6) Cr.P.C. Hence, the Criminal Revision Case stands allowed and the judgments of the trial Court and the Appellate Court are set aside and the petitioner is acquitted from the charges levelled against him. Consequently, Crl.M.P.(MD)No.2376 of 2025 is ordered. The respondent



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is permitted to withdraw the amount deposited by the petitioner before the trial Court by giving necessary undertakings. No costs.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Principal District and Sessions Judge,
Pudukkottai.
- 2.The Judicial Magistrate,
Pudukkottai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.39 of 2020
and
Crl.M.P.(MD)No.2376 of 2025

Dated: 25.02.2025