



Crl.R.C.(MD).No.151 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.151 of 2021

Malathi

... Petitioner

Vs.

Alagappan

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set-aside the order passed in C.A.No.122 of 2018 dated 06.10.2020 on the file of the Additional District and Sessions Court, Sivagangai confirming the order passed in S.T.C.No.447 of 2013 dated 16.10.2018 on the file of the District Munsif Cum Judicial Magistrate Court, Thirupathur by allowing this Criminal Revision Petition.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondent : Mr.P.Aju Tagore



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ORDER

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This criminal revision case has been filed to set aside the order passed in C.A.No.122 of 2018 on the file of the Additional District and Sessions Court, Sivagangai, dated 06.10.2020 confirming the order of conviction passed in S.T.C.No.447 of 2013, dated 16.10.2018 on the file of the District Munsif cum Judicial Magistrate Court, Thirupathur.

2.The case of the complainant is that the accused borrowed a sum of Rs. 2,00,000/- (Rupees Two Lakhs only) from the complainant on 05.11.2012 as hand loan for her business, family expense and for her business and issued a cheque dated 05.02.2013 bearing Cheque No.252347 drawn on Pandian Grama Bank, Thirupathur Branch and the complainant presented the cheque on 20.03.2013 for collection and the same was returned by the memo on the same day as “Funds Insufficient”. Hence, the Complainant issued a notice dated 30.03.2013 to the accused which was received the same and sent a reply on 13.04.2013. However, he did not repay the amount or sent any reply to the complainant. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in S.T.C.No.447 of 2013 before the learned Judicial Magistrate, The District Munsif cum Judicial



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Magistrate Court, Thiruppathur.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, the complainant examined himself as P.W.1 and exhibited documents as Ex.P1 to Ex.P5. On the side of the accused one witness was examined as D.W.1.

4. The learned Judicial Magistrate, District Munsif cum Judicial Magistrate Court, Thiruppathur, after full-fledged trial, passed the Judgment in S.T.C.No.447 of 2013 dated 16.10.2018 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced her to undergo one year of simple imprisonment and directed him to pay compensation of Rs.2,00,000/- (Rupees Two Lakhs only), within a period of one month, in default to undergo three months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Sivagangai, in C.A.No.122 of 2018. However, the same was dismissed on 06.10.2020, confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence imposed by the Courts below, the petitioner has



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preferred the present Criminal Revision Case.

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5.Today (ie., on 12.09.2025), when the matter was taken up for hearing, both the learned counsel on record would submit that they have already settled the matter and the cheque amount has been deposited by the petitioner before the trial Court. The learned counsel for the petitioner would submit that he has no objection to withdraw the above said amount by the defacto complainant/respondent.

6.In view of the compromise reached between the parties, the offence under section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

7.Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate, District Munsif cum Judicial Magistrate Court, Thiruppathur, in S.T.C.No.447 of 2013 dated 16.10.2018 and confirmed by the learned Additional District and Sessions Judge, Sivagangai, in C.A.No.122 of 2018, dated 06.10.2020 are hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. The



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defacto complainant/respondent is permitted to withdraw the amount deposited by the petitioner/accused before the trial Court, if any. Bail bond if any, executed by the accused shall stand discharged.

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NCC : Yes/No

Index : Yes/No

Internet : Yes/No

sbm

To

1.The Additional District and Sessions Court
Sivagangai.

2.The Judicial Magistrate,
District Munsif cum Judicial Magistrate Court,
Thiruppathur

3.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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