



CrI.R.C.(MD)No.363 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.363 of 2020

and

CrI.M.P.(MD)No.3549 of 2025

S.Solaipandian

... Petitioner

Vs.

K.P.Mokkamayathevar

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records and to set aside the judgment passed by the learned Additional District and Sessions Judge, Theni @ Periyakulam dated 30.01.2020 in C.A.No.2 of 2019 by confirming the judgment of learned Judicial Magistrate, Periyakulam in S.T.C.No.6484 of 2016 dated 10.12.2018 by allowing this criminal revision petition.

For Petitioner : Mr.R.Rajamohan

For Respondent : Mr.J.Lawrance



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ORDER

The Criminal Revision is directed against the Judgment of conviction and sentence passed in Crl.A.No.2 of 2019, dated 30.01.2020 on the file of the Additional District and Sessions Court, Theni @ Periyakulam, confirming the Judgment of conviction and sentence, dated 10.12.2018 passed in S.T.C.No.6484 of 2016 on the file of the Judicial Magistrate, Periyakulam.

2. It is evident from the records that the petitioner has been convicted for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced to undergo one month simple imprisonment and to pay compensation of Rs.2,00,000/- vide judgment dated 10.12.2018 in S.T.C.No.6484 of 2016, that aggrieved by the said order, the petitioner has preferred an appeal in Crl.A.No.2 of 2019 on the file of the Additional District and Sessions Court, Theni @ Periyakulam and that the learned Sessions Judge confirmed the conviction and sentence and dismissed the appeal. Challenging the said conviction and sentence, the present revision came to be filed.



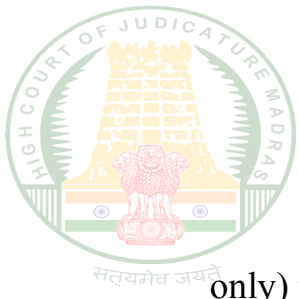
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3. When the matter was taken up for hearing on 10.03.2025, considering the submissions made by the learned counsel on either side that the matter has been settled between the parties, this Court directed the petitioner to deposit 5% of the settled amount before the Legal Services Authority attached to this Bench. In pursuance of the said direction, the learned counsel appearing for the petitioner has produced the receipt to show that the petitioner has deposited Rs.10,000/- (Rupees Ten Thousand only) being 5% of the settled amount of Rs.2,00,000/- (compensation amount) before the High Court Legal Services Committee attached to this Bench.

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

5. The learned counsel appearing for the petitioner has filed a compounding petition, wherein, it has been stated that the petitioner has already deposited a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) before the trial Court on 27.07.2020 and he has paid the remaining amount of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand



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only) to the respondent's counsel on 10.03.2025 and also filed a memo to that effect.

6. In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 359(6) B.N.S.S.. 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.3549 of 2025 is ordered. The respondent is permitted to withdraw the amount that was deposited by the petitioner before the trial Court. No costs.

20.03.2025

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

To

1.The Additional District and Sessions Judge,
Theni @ Periyakulam.

2.The Judicial Magistrate,
Periyakulam.

3.Do through the Chief Judicial Magistrate,
Theni District.

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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.363 of 2020
and
CrI.M.P.(MD)No.3549 of 2025

Dated: 20.03.2025