

Crl.R.C.(MD).No.296 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.296 of 2019
Crl.M.P.(MD).No.4400 of 2019

Muruganantham ... Petitioner/Appellant/Sole Accused

Vs.

Senthilnathan ... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in C.A.No.96 of 2018 on the file of the III Additional Sessions Judge, Thanjavur at Pattukottai, dated 31.01.2019 confirming the order of conviction passed in C.C.No.233 of 2014, dated 07.08.2018 on the file of the learned Judicial Magistrate, FTC, Pattukottai.

For Petitioner : Mr.T.Balakrishnan

For Respondent : Mr.C.Bharathi



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ORDER

This civil revision case has been filed to set aside the order passed in C.A.No.96 of 2018 on the file of the III Additional Sessions Judge, Thanjavur at Pattukottai, dated 31.01.2019 confirming the order of conviction passed in C.C.No.233 of 2014, dated 07.08.2018 on the file of the learned Judicial Magistrate, FTC, Pattukottai.

2.The case of the complainant is that the accused borrowed a sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand only) from the complainant on 25.02.2024 for his House construction and he agreed to repay the part payment of the loan amount within three month, and the accused issued a cheque dated 25.05.2014 from his bank namely the Karur Vysya Bank, Pattukkottai Branch bearing Cheque No.000077 for Rs.53,000/- towards part payment of the loan amount, and the complainant presented the cheque on 17.06.2014 for collection in the City Union Bank of India, Pattukkottai Branch, where he maintains his Account and it was dishonoured on 17.06.2014 as “Payment Stopped by drawer”. Hence, the Complainant issued a notice dated 09.07.2014 to the



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accused which was received on 15.07.2014. The accused issued the said Cheque knowing full well that there is no sufficient funds in his Account and intentionally made stop payment. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in C.C.No.233 of 2014 before the learned Judicial Magistrate, FTC, Pattukkottai.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, the complainant has been examined as PW1 and exhibited four documents as Ex.P1 to P4 and no material objects were marked. On the side of the accused one independent witness was examined as DW1.

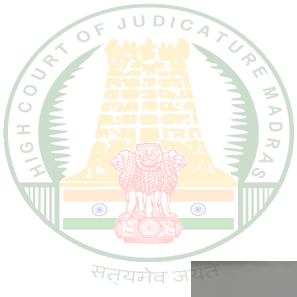
4. The learned Judicial Magistrate, FTC, Pattukkottai, after full-fledged trial, has passed the Judgment in C.C.No.233 of 2014 dated 07.08.2018 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo one year simple imprisonment and to pay compensation of Rs.53,000/- (Rupees Fifty Three Thousand only) to the complainant in default to undergo two months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned III Additional District and Sessions Judge,



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Thanjavur at Pattukkottai, in C.A.No.96 of 2018. However, the same was dismissed on 31.01.2019, thereby 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 preferred the present Criminal Revision Case.

5.Today (ie., on 12.08.2025), when the matter is 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 received by the complainant. The respondent/complainant has filed a memo on 17.04.2024 to that effect, which is extracted here under:-



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**IN THE HIGH COURT OF JUDICATURE MADRAS
AT MADURAI BENCH
Crl.R.C.(MD).No. 296 of 2019**

Muruganantham, M/ 49 yrs,
S/o. Govindraj,
No.70, Kurucchi Village,
Peravunrai Taluk,
Thanjavur District.

.... Petitioner

Senthilnathan
S/o. Santhalingam,
No.342/3A, Ponnavanrayankotti Ukkadai,
Pattukottai Taluk,
Thanjavur District.

Vs

....Respondent

MEMO FILED BY THE RESPONDENT/ COMPLAINANT

It is submitted that the above said complainant has received Rs.53,000/- (Fifty three thousand) by way of demand draft payable to the complainant vide D.D.No.649374 from the revision petitioner by discharging the liability of the impugned cheque amount. Therefore, it is kindly prayed that this Hon'ble Court may be pleased to allow the above criminal revision by setting aside the judgment passed in C.A.No. 96 of 2018 on the file of the III Additional District Judge, Thanjavur at Pattukottai dated 31.01.2019 by confirming the judgment passed in C.C.No.233 of 2015 by the Learned Judicial Magistrate (Fast Track), Pattukottai dated 07.08.2018 and thus render justice.

Dated at Madurai on this the 17th day of April 2024

Complainant

Counsel for Respondent /Complainant



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6.The contents of the above said memo were read over and explained to both the parties and they would admit the same. The memo filed by the respondent/complainant is recorded. Further the respondent/complainant has specifically affirmed the above said memo and as per the terms, the respondent has received a sum of Rs.53,000/- (Rupees Fifty Three Thousand only) by way of Demand Draft Payable to the complainant vide D.D.No.649374 from the revision petitioner by discharging the liability of the impugned cheque amount.

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

8.Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate, FTC, Pattukkottai, in C.C.No.233 of 2014 dated 07.08.2018 and confirmed by the learned III Additional District and Sessions Judge, Thanjavur at Pattukkottai, in C.A.No.96 of 2018, dated 31.01.2019 is hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall



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stand discharged. Consequently, connected miscellaneous petition is closed.

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12.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

- 1.The III Additional District and sessions Judge, Thanjavur at Pattukkottai.
- 2.The Judicial Magistrate, FTC, Pattukkottai.
- 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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