

Crl.RC(MD)No.428 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.428 of 2022

Vijayakumari ... Petitioner/Appellant/Accused

Vs.

Pradap

...

Respondent/Respondent/Complainant

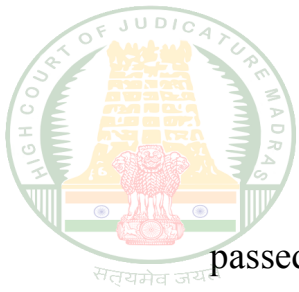
PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the Judgment passed in C.A.No.8 of 2020 on the file of the II Additional District and Sessions Judge, Trichy, dated 25.10.2021 confirming the Judgment of conviction passed in C.C.No.312 of 2016, dated 20.12.2019 on the file of the learned Judicial Magistrate No.V, Trichy.

For Petitioner : Mr.K.Sivabalan

For Respondent : Mr.T.Lenin Kumar

ORDER

This revision case has been filed to set aside the Judgment passed in C.A.No.8 of 2020 on the file of the II Additional District and Sessions Judge, Trichy, dated 25.10.2021 confirming the Judgment of conviction

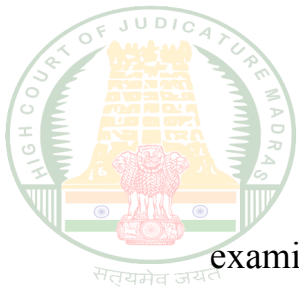


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passed in C.C.No.312 of 2016, dated 20.12.2019 on the file of the learned Judicial Magistrate No.V, Trichy.

2.The case of the complainant is that the petitioner/accused was introduced to him by her husband. On 01.05.2016, the accused borrowed a sum of Rs.3,25,000/- for her urgent family expenses promising to repay the same within a period of three months. On 02.08.2016, when the complainant demanded to repay the loan amount, the accused issued a cheque for the said amount. He presented the cheque for collection in his bank account. The same was returned as “insufficient funds” on 22.08.2016. Hence, he sent legal notice on 12.09.2016 to the accused. But, the same was returned by the accused. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in C.C.No.312 of 2016, on the file of the learned Judicial Magistrate No.V, Trichy.

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



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examined and no document was marked.

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4.The learned Judicial Magistrate No.V, Trichy, after full-fledged trial, has passed the Judgment in C.C.No.312 of 2016 dated 20.12.2019 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced her to undergo six months simple imprisonment and to pay compensation of Rs.3,25,000/- (Rupees Three Lakhs and Twenty Five only) to the complainant. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Ttenkasi, in C.A.No.8 of 2020. However, the same was dismissed on 25.10.2021, 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.The counsel appearing on either side would submit that during the pendency of the revision, the matter was settled between the parties. The entire compensation amount was deposited by the petitioner before the trial Court. The complainant agreed to withdraw the case.



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6. Recording the above said submissions, the offence under section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

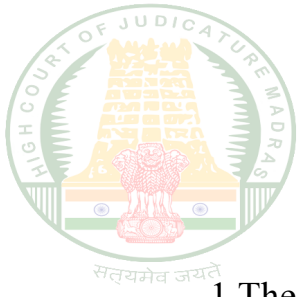
7. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.V, Trichy, in C.C.No.312 of 2016 dated 20.12.2019 and confirmed by the learned II Additional District and Sessions Judge, Trichy, in C.A.No.8 of 2020, dated 25.10.2021 is hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. The respondent/complainant is permitted to withdraw the amount already deposited by the petitioner/accused as per the procedure. If the respondent raises any dispute over the compromise, it is open to him to reopen the case and agitate the same on merits.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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1.The II Additional District and Sessions Judge,
Trichy.

2.The Judicial Magistrate No.V, Trichy.

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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