



Crl.R.C.(MD).No.1010 of 2025

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.1010 of 2025

and

Crl.MP(MD)Nos.10468 & 10559 of 2025

1. Venad Dairy Products
Kombanadu, Perumbavur,
Paniyely Post, Eranakulam District,
Kerela State.

2.Sachidanantha Shibu,
Director,
Venad Dairy Products,
Kombanadu, Perumbavur,
Paniyely Post, Eranakulam District,
Kerela State.

... Petitioners/Appellants/Accused

Vs.

R.Jeyachandran

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401(1) of Cr.P.C., to call for the records of the judgment dated 06.11.2024 passed in C.A.No.10 of 2024 on the file of the Additional District and Sessions Judge, Dindigul, confirming the judgment passed in C.C.No.285 of 2023 dated 31.10.2023 on the file of the learned Judicial Magistrate No.III, Dindigul, so far as these appellants are concern and set aside the same by allowing this revision petition.



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For Petitioners : Mr.C.Susikumar

For Respondent : Mr.R.Maheswaran

ORDER

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Additional District and Sessions Judge, Dindigul, in C.A.No.10 of 2024, dated 06.11.2024 confirming the Judgment in C.C.No.285 of 2023 dated 31.10.2023 on the file of the learned Judicial Magistrate No.III, Dindigul.

2. The first petitioner is the company namely, M/s.Venad Dairy Products/A1. The second petitioner/A2 is the the Managing Director and A3 is the Assistant Director of the Company. The Company used to purchase milk from the complainant on credit basis as per the agreement dated 02.08.2018. Thereafter, the petitioners failed to pay the amount of Rs.21,98,231/- as per the agreement. To discharge the said debt, the second petitioner/A2 issued a cheque bearing No.008497, dated 23.01.2020 drawn on Federal Bank, Kombanad Branch, Ernakulam. The first respondent presented the cheque before his Bank namely, Corporation Bank, V.Mettupatti for collection on 11.03.2020 and the same was returned on 13.03.2020 with an endorsement “funds in-sufficient”.



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So, the respondent issued a legal notice on 15.06.2020. Even though, the petitioners received the notice on 25.06.2020, without making any payment, sent a reply notice on 30.06.2023. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instrument Act, before the learned Judicial Magistrate No.III, Dindigul. The learned Judicial Magistrate taken the complaint on file in C.C.No.285 of 2023.

3. Thereafter, on receipt of the summons, the petitioners appeared and contested the case. The learned Trial Judge after following the procedure examined PW.1 and perused the documents Ex.P1 to Ex.P18, passed the conviction under Section 138 of Negotiable Instruments Act and sentenced the petitioner to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.21,98,231/-, in default to undergo 1 month Simple Imprisonment by the Judgment, dated 31.10.2023.

4. Aggrieved over the same, the petitioners filed the Criminal Appeal in C.A.No.10 of 2024 on the file of the Additional District and Sessions Judge, Dindigul. The learned Appellate Judge also confirmed the same. Hence, the petitioners preferred this revision before this Court.



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5. During the pendency of the above revision, the parties settled the matter out of Court amicably. To record the same, this Court directed the parties to appear before this Court and the parties also appeared before this Court. Thereafter, they filed the compounding petition before this Court in CrI.M.P(MD).No.10559 of 2025.

6. In view of the above compromise and the parties are also appeared before this Court and affirmed the terms of the compromise, this Court is inclined to order the compounding of offence under Section 147 of NI Act and 320 Cr.P.C.,

7. Since the offence is compoundable offence and more particularly, the petitioners have paid the entire amount as agreed between them, this Court is inclined to allow this revision with the following terms:

(i) The compounding petition filed in CrI.M.P(MD).No.10559 of 2025 is allowed.

(ii) The conviction and sentence of imprisonment and grant of compensation in C.C.No.285 of 2023 on the file of the learned Judicial



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Magistrate No.III, Dindigul, confirmed in C.A.No.10 of 2024 on the file of the Additional District and Sessions Judge, Dindigul, is hereby set aside and the accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged.

8.Accordingly, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petition is closed.

12.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The Additional District and Sessions Judge, Dindigul.
- 2.The Judicial Magistrate No.III, Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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