

Crl.R.C.(MD).No.758 of 2021

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=BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.758 of 2021

N.Paulsamy

... Petitioner/Appellant/Accused

Vs.

Ramanathan

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in C.A.No.25 of 2019 on the file of the Additional District and Sessions Judge, Sivagangai, dated 30.04.2021 confirming the order of conviction passed in C.C.No.156 of 2018, dated 19.03.2019 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

For Petitioner : M/s.S.Mahalakshmi

For Respondent : Mr.S.C.Herold Singh

ORDER

This revision case has been filed to set aside the Judgment passed in C.A.No.25 of 2019 on the file of the Additional District and Sessions Judge, Sivagangai, dated 30.04.2021 confirming the Judgment of conviction passed in

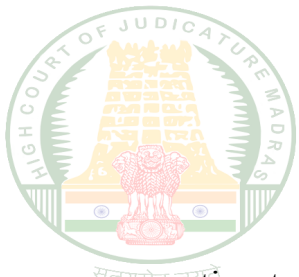


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C.C.No.156 of 2018, dated 19.03.2019 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

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2.The case of the complainant is that the accused is the proprietor of Sri Amman Pharmaceuticals. On 10.04.2018 the accused borrowed a sum of Rs.7,00,000/- from the complainant in the complainant's house for his business needs and family expenses and agreed to repay the amount borrowed within a period of one month. The respondent/accused issued 7 cheques and he gave cheque No.021927, dated: 10.05.2018 for a sum of Rs.1,20,000/-, cheque No. 950942, dated: 14.05.2018 for a sum of Rs.50,000/-, cheque No.950943, dated: 16.05.2018 for a sum of Rs.1,00,000/- and cheque No.021890, dated: 18.05.2018 for a sum of Rs.2,00,000/- drawn on the ICICI Bank, College Road, Karaikudi branch and cheque No.271381, dated: 10.05.2018 for a sum of Rs.30,000/-, cheque No.271398, dated: 14.05.2018 for a sum of Rs.1,00,000/- and cheque No. 271397, dated: 16.05.2018 for a sum of Rs.1,00,000/- drawn on the VIJAYA BANK, Karaikudi branch, for the aforesaid borrowal amount. When the complainant presented the cheques for collection on 19.05.2018 in his account at SDCC Bank, Karaikudi branch, the cheques were returned on 22.05.2018 by return memo with the endorsement as insufficient funds and issued the statutory



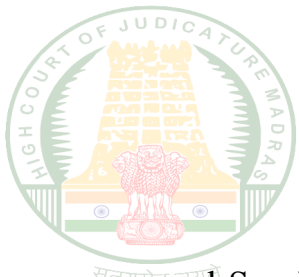
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notice to the respondent on 29.05.2018 and the respondent acknowledged the receipt of notice by Ex.P5 acknowledgment card. But did not come forward to settle the amount. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in C.C.No.156 of 2018, on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

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. On the side of the accused no witness was examined and no documents were marked.

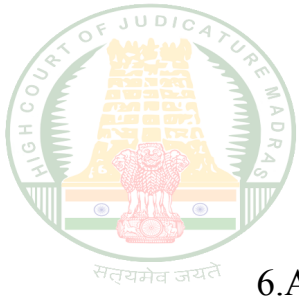
4. The learned Judicial Magistrate, Fast Track Court, Karaikudi, after full-fledged trial, has passed the Judgment in C.C.No.156 of 2018 dated 19.03.2019 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.7,05,000/- (Rupees Seven Lakhs and Five Thousand only) to the complainant, in default to undergo three months simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Additional District



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and Sessions Judge, Sivagangai, in C.A.No.25 of 2019. However, the same was dismissed on 30.04.2021, 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. Pending the revision petition the matter was referred to the Mediation Centre for settlement. But, settlement could not be arrived at between the parties. Only a portion of the amount was paid. Hence, on the basis of the available records and considering the rival submissions, earlier on 04.01.2023, this Court dismissed the revision petition. Thereafter, the petitioner filed a petition to recall the above said dismissal order of the revision petition in Crl.M.P.(MD).No.7349 of 2023, stating that subsequent to the above said dismissal, the parties entered into compromise, by which, the entire amount was settled between the parties. The memo of compromise was also filed along with the petition. In view of the same this Court by the order dated 07.06.2023, recalled the dismissal order dated 04.01.2023 and reopened the case for recording the memo of compromise dated 04.04.2023.



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6.As per the compromise memo dated 04.04.2023, the petitioner/accused agrees to pay the amount of Rs.5,00,000/- to the respondent/complainant. The respondent also agrees to receive the same and he does not want to prosecute the complaint further. In view of the same, the petitioner paid a sum of Rs.3,25,000/- by way of Demand Draft drawn on 22.02.2023 in Canara Bank and the same was handed over to the respondent. The respondent in token of his acknowledgement signed in the compromise memo. The petitioner has no objection to withdraw the amount of Rs.1,75,000/- for the remaining amount, which had already been deposited by him while granting interim suspension of sentence. The respondent also accepted for the same. Accordingly, both have signed in the memo of compromise along with their respective counsels and prayed to allow this petition.

7.Recording the above said compromise memo dated 04.04.2023, 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, Fast Track Court, Karaikudi, in C.C.No.156 of 2018 dated



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19.03.2019 and confirmed by the learned Additional District and Sessions Judge,
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Sivagangai, in C.A.No.25 of 2019, dated 30.04.2021 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. If the respondent raises any dispute over the compromise, it is open to him to reopen the case and agitate the same on merits.

14.08.2025

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

- 1.The Additional District and Sessions Judge, Sivagangai.
- 2.The Judicial Magistrate, Fast Track Court, Karaikudi.
- 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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