

Crl.R.C.(MD).No.608 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.608 of 2019
Crl.M.P.(MD).Nos.7556 & 7558 of 2019

Iruthaiyaraj

... Petitioner/Appellant/Accused

Vs.

M.Raja

... 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.72 of 2018 on the file of the I Additional Sessions Judge, (PCR), Tiruchirappalli, dated 29.07.2019 confirming the order of conviction passed in C.C.No.310 of 2006, dated 23.05.2018 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.Ashok Kumar



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ORDER

This civil revision case has been filed to set aside the order passed in C.A.No.72 of 2018 on the file of the I Additional Sessions Judge, (PCR), Tiruchirappalli, dated 29.07.2019 confirming the order of conviction passed in C.C.No.310 of 2006, dated 23.05.2018 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli.

2.The case of the complainant is that the accused borrowed a sum of Rs.2,00,000/- (Rupees Two Lakhs only) from the complainant on 13.01.2015 promising to repay the amount with interest at the rate of 18% p.a. The accused had paid the interest till October 2005. Thereafter, he did not pay either principal or interest. When the complainant demanded the money, the accused issued a cheque dated 21.12.2005 for discharge the loan of Rs.2,00,000/- drawn on ICICI Bank, Tiruchirappalli. The said cheque was presented by the complainant for collection in his bank namely Indian Bank, Thiruverumbur Branch on 21.12.2005 and the same was returned as “Insufficient Funds” vide memo dated 30.12.2005. Hence, he sent legal notice dated 02.01.2006. On receipt of the legal notice, the accused neither repay the amount nor sent any reply. Hence, the

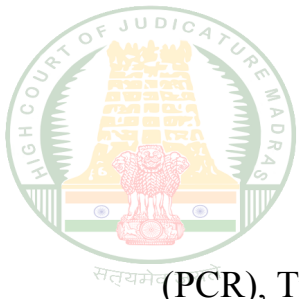


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respondent filed a complaint before the learned Judicial Magistrate No.III, Tiruchirappalli, under Section 138 of Negotiable Instruments Act, and the same was transferred to the learned Judicial Magistrate No.VI, Tiruchirappalli, and was taken on file in C.C.No.310 of 2016.

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 P6 and no material objects were marked. On the side of the accused DW1 to DW3 have been examined and Ex.D1 was marked.

4. The learned Judicial Magistrate No.VI, Tiruchirappalli, after full-fledged trial, has passed the Judgment in C.C.No.310 of 2016 dated 23.05.2018 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 compensation of Rs.2,00,000/- (Rupees two lakhs only) to the complainant in default to undergo three months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned I Additional District and Sessions Judge,



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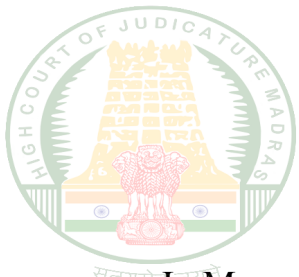
(PCR), Tiruchirappalli, in C.A.No.72 of 2018. However, the same was dismissed on 29.07.2019, thereby confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence imposed by the Courts below, the petitioner has preferred the present Criminal Revision Case.

5.Today (ie., on 13.08.2025), 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 as installments. To that effect the learned counsel for the petitioner filed the typed set of papers containing the memo issued by the respondent/complainant, which are extracted hereunder:

In Memo dated 15.12.2023, the complainant stated as follows:

“It is humbly submitted that as per the directions of the Hon'ble Court the Respondent/Complainant received a sum of Rs.1,00,000/- (Rupees One Lakh only) from the above Revision petitioner/ Accused as part satisfaction of the cheque amount.

To that effect this memo is filed and the same may recorded and pass suitable orders.”



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In Memo dated 01.02.2024, the complainant stated as follows:

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“It is humbly submitted that as per the directions of the Hon'ble Court the Respondent/Complainant received a sum of Rs.50,000/- (Rupees Fifty Thousand only) from the above Revision petitioner/ Accused as part satisfaction of the cheque amount.

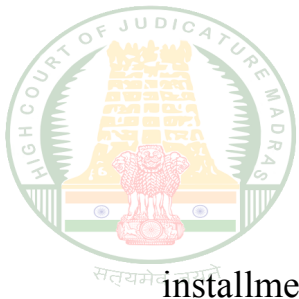
To that effect this memo is filed and the same may recorded and pass suitable orders.”

and In Memo dated 23.03.2024, the complainant stated as follows:

“It is humbly submitted that as per the directions of the Hon'ble Court the Respondent/Complainant received a sum of Rs.50,000/- (Rupees Fifty Thousand only) from the above Revision petitioner/ Accused as full satisfaction of the cheque amount.

To that effect this memo is filed and the same may recorded and pass suitable orders.”

6.The contents of the above said memos were read over and explained to both the parties and they would admit the same. The memos filed by the respondent/complainant is recorded. Further the respondent/complainant has specifically affirmed the above said memos and as per the terms, the respondent has received a sum of Rs.2,00,000/- (Rupees Two Lakhs only) directly as



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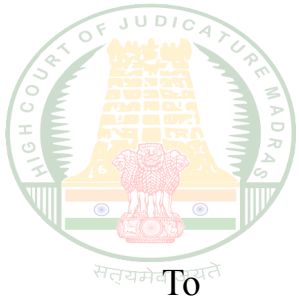
installments from the revision petitioner by discharging the liability of the impugned cheque amount.

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 No.VI, Tiruchirappalli, in C.C.No.310 of 2016 dated 23.05.2018 and confirmed by the learned I Additional District and Sessions Judge, (PCR), Tiruchirappalli, in C.A.No.72 of 2018, dated 29.07.2019 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 stand discharged. Consequently, connected miscellaneous petitions are closed.

13.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To
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- 1.The I Additional District and sessions Judge, (PCR),
Tiruchirappalli.
- 2.The Judicial Magistrate No.VI, Tiruchirappalli.
- 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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