



CrI.R.C.(MD)No.1096 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.1096 of 2023

and

CrI.M.P.(MD)No.7359 of 2025

S.Xavier
Proprietor Jeyam Enterprises

... Petitioner/
Appellant/
Accused

Vs.

R.S.Balamurugan
through his power agent S.Rameshkumar

... Respondent/
Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 397 & 401 Cr.P.C., to call for the records from learned Additional District and Sessions Judge, Srivilliputhur in C.A.No.39 of 2018, dated 12.04.2023 confirming the order passed by the learned Judicial Magistrate Court No.I, Sivakasi in C.C.No.341 of 2013, dated 01.03.2018 and set aside the same.

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.R.Karunanithi



Crl.R.C.(MD)No.1096 of 2023

WEB COPY

ORDER

The Criminal Revision is directed against the Judgment passed in Crl.A.No.39 of 2018, dated 12.04.2023 on the file of the Additional District and Sessions Court, Srivilliputtur, confirming the Judgment of conviction and sentence, dated 01.03.2018 passed in C.C.No.341 of 2013 on the file of the Judicial Magistrate No.I, Sivakasi.

2. It is evident from the records that the petitioner has been convicted for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay compensation of Rs.4,00,000/-, in default, to undergo three months simple imprisonment vide judgment dated 01.03.2018 in C.C.No. 341 of 2013 and aggrieved by the said judgment, the petitioner has preferred an appeal in Crl.A.No.39 of 2018 on the file of the Additional District and Sessions Court, Srivilliputtur and that the learned Sessions Judge confirming the conviction and sentence, dismissed the appeal. Challenging the dismissal of the appeal, the present revision came to be filed.



Crl.R.C.(MD)No.1096 of 2023

WEB COPY

3. When the matter was taken up for hearing on 09.06.2025, considering the submissions made by the learned counsel on either side that the matter has been settled between the parties, this Court directed the petitioner to deposit 5% of the settled amount before the Legal Services Authority attached to this Bench. In pursuance of the said direction, the learned counsel appearing for the petitioner has produced the receipt to show that the petitioner has deposited Rs.15,750/- (Rupees Twelve Thousand and Five Hundred only) being 5% of the settled amount of Rs.3,15,000/- before the High Court Legal Services Committee attached to this Bench.

4. When the matter is taken up for hearing today, the petitioner/accused and the respondent/complainant are present before this Court.

5. The learned counsel appearing for the petitioner has filed a compounding petition, wherein, it has been stated that the petitioner has given a Demand Draft (DD No.742352 dated 22.04.2025) for Rs.2,15,000/- (Rupees Two Lakhs and Fifteen Thousand only) to the respondent and that the petitioner has already deposited the remaining amount of Rs.1,00,000/- (Rupees One Lakh only) before the trial Court.



Crl.R.C.(MD)No.1096 of 2023

WEB COPY

6. In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 359(6) B.N.S.S.. Hence, the Criminal Revision Case stands allowed and the judgments of the trial Court and the Appellate Court are set aside and the petitioner is acquitted from the charges levelled against him. Consequently, Crl.M.P.(MD)No.7359 of 2025 is ordered. The respondent is permitted to withdraw the amount that was deposited by the petitioner before the trial Court. No costs.

12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Additional District and Sessions Judge,
Srivilliputtur.
- 2.The Judicial Magistrate No.I,
Sivakasi.



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Crl.R.C.(MD)No.1096 of 2023



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Crl.R.C.(MD)No.1096 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.1096 of 2023
and
Crl.M.P.(MD)No.7359 of 2025

Dated: 12.06.2025