



Crl.R.C.(MD).No.831 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

**Crl.R.C(MD).No.831 of 2019
and
Crl.M.P(MD).No.9643 of 2023**

T.Chenthil ... Petitioner/Appellant/Accused

Vs.

R.Kalidhas ... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 Cr.P.C., to call for the records of the learned Principal Sessions Judge, Kanyakumari at Nagercoil in Crl.A.No.79 of 2017 dated 22.10.2018 confirming the conviction and sentence of imprisonment by the Fast Track Court (Magisterial Level) No.I, Nagercoil in S.T.C.No.246 of 2014, dated 18.10.2016 and set aside the same by allowing this revision petition.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.R.Pon Karthikeyan



Crl.R.C.(MD).No.831 of 2019

ORDER

WEB COPY

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the learned Principal Sessions Judge, Kanyakumari at Nagercoil, in Crl.A.No.79 of 2017 dated 22.10.2018 confirming the Judgment in S.T.C.No.246 of 2014, dated 18.10.2016 on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil.

2. The petitioner is a vegetable vendor and running two vegetable shops at Appta Market, Ozhuginasery and the respondent is an agriculturist. He supplied a large quantities of vegetables to the petitioner from January 2014. During the course of business transaction, he defaulted in payment of Rs.7,79,000/-. To discharge the said debt, he issued two cheques bearing Nos.111286 and 111287 on 12.06.2014, which were drawn on the bank of Axis Bank, Nagercoil for a sum of Rs. 4,00,000/- and Rs.2,74,000/- respectively. For the remaining amount of Rs.1,05,925/-, he also issued a self cheque bearing No.111285. The respondent presented the cheque's before the Canara Bank, K.P. Road Branch on 30.07.2014 and the same were returned on the same day itself



Crl.R.C.(MD).No.831 of 2019

with an endorsement “Balance in-sufficient”. So, the respondent issued a legal notice on 01.08.2014. The petitioner received the notice on 09.08.2014. But, did not send reply notice. Hence, the respondent filed a complaint under Section 138 of Negotiable Instrument Act before the Fast Track Court (Magisterial Level) No.I, Nagercoil. The learned Judicial Magistrate took the complaint on file in S.T.C.No.246 of 2014.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after considering the evidence of PW.1 & P.W.2 and perusing the documents Ex.A1 to Ex.A9, passed the conviction under Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.6,74,000/-, in default to undergo 1 month Simple Imprisonment by Judgment, dated 18.10.2016.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.79 of 2017 on the file of the learned Principal Sessions Judge, Kanyakumari at Nagercoil. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.



Crl.R.C.(MD).No.831 of 2019

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. They filed a joint compromise memo on 05.11.2019 to that effect. The relevant portion of the said joint compromise memo is as follows:-

“4. It is submitted that the appellate court dismissed the appeal on 22.10.2018 but within 4 days I.e., 26.10.2018, the dispute between the petitioner and the respondent was settled amicably. Accordingly, the petitioner paid an amount of Rs.6,74,000/- and the issue is settled between the parties. The offence on which the petitioner got convicted is a compoundable offence. In view of this fact the conviction and sentence passed by the trial Court and the appellate court may be set aside. The respondent has no objection to set aside the conviction against Court(Magisterial Level) No.I, Nagercoil and the judgment confirming the conviction passed in Crl.A.No.79 of 2017 on the file of Principal Sessions Judge, Kanyakumar at Nagercoil.”



Crl.R.C.(MD).No.831 of 2019

6.The contents of the above said memo were read over and explained to both the parties and they would admit the same. The memo filed by both the parties is recorded.

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 Fast Track Court (Magisterial Level) No.I, Nagercoil, in S.T.C.No.246 of 2014, dated 18.10.2016 and confirmed by the learned Principal Sessions Judge, Kanyakumari at Nagercoil, in Crl.A.No.79 of 2017 dated 22.10.2018, is hereby set aside and the Criminal Revision case is allowed. The petitioner/accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. Consequently, connected miscellaneous petition is closed.

13.08.2025

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



WEB COPY



Crl.R.C.(MD).No.831 of 2019

K.K. RAMAKRISHNAN. J.,

dss

To

1. The Fast Track Court (Magisterial Level) No.I,
Nagercoil.
2. The Principal Sessions Judge,
Kanyakumari at Nagercoil.
3. The Section Officer,
Record Section (Crl.)
Madurai Bench of Madras High Court, Madurai.

Crl.R.C(MD).No.831 of 2019
and
Crl.M.P(MD).No.9643 of 2023

13.08.2025