



Crl.R.C.(MD).No.904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.904 of 2023
and
Crl.M.P(MD)No.11913 of 2023

Rajesh

... Petitioner/Appellant/Accused

Vs.

Sathish Kumar

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the judgment made in CrI.A.No.168 of 2018 dated 24.05.2019 by the learned Additional Sessions Judge, Karur, by confirming the conviction and sentence passed by the learned Judicial Magistrate No.II, Kulithalai in S.T.C.No.671 of 2014 dated 27.11.2018 and set aside the same.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.R.Murugan



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ORDER

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This Criminal Revision Case has been filed against the Judgment dated 24.05.2019 passed by the learned Additional Sessions Judge, Karur, in Crl.A.No. 168 of 2018 confirming the judgement dated 27.11.2018 passed by the learned Judicial Magistrate No.II, Kulithalai in S.T.C.No.671 of 2014.

2. The petitioner borrowed a sum of Rs.2,00,000/- from the respondent on 01.07.2013. To discharge the said debt, he issued a cheque, dated 22.01.2014 drawn on the Canara bank, Kulithalai Branch. The respondent presented the cheque before his Bank and the same was returned on 28.01.2014 with an endorsement of “Insufficient Funds”. So, the respondent issued the legal notice on 12.02.2014. The petitioner received the notice on 17.02.2014 and he did not make any payment. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate No.II, Kulithalai. The learned Judicial Magistrate taken the complaint on file in S.T.C.No.671 of 2014.

3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned Trial Judge after following the



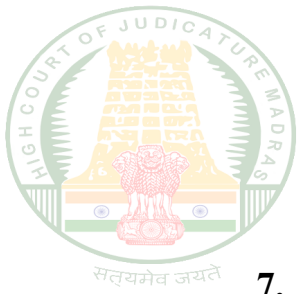
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procedure, examined PW.1 & PW.2, D.W.1 and court witness-CW.1 and perused the documents Ex.A1 to Ex.A7 and passed the conviction under Section 138 of Negotiable Instruments Act, and sentenced him to undergo six months Simple Imprisonment and also directed to pay compensation of Rs.2,00,000/- (Rupees two lakhs only) vide Judgment dated 27.11.2018.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.168 of 2018 on the file of the learned Additional Sessions Judge, Karur. The learned Sessions Judge also confirmed the same by order dated 24.05.2019. Hence, the petitioner preferred this revision before this Court.

5. Heard the learned counsel appearing on either side.

6. Today, when the matter is taken up for hearing, both counsel on record submitted that the matter is now compromised. They further submitted that the petitioner was arrested on 13.07.2023 and now he is in jail. Hence, they are unable to file compromise memo before this Court.



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7. The respondent/defacto complainant appeared before this Court today and submitted that he received the cheque amount of Rs.2,00,000/- (Rupees two lakhs only).

8. Considering the fact that the petitioner is confined in jail and hence, the learned counsels are unable to file the compromise memo before this Court, this Court recorded the affirmation statement of the respondent with regard to the receipt of the cheque amount. Further, it is not in dispute that the respondent received the cheque amount of Rs.2,00,000/-(Rupees two lakhs only).

9. In view of the same, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the lower Appellate Court are set aside and the accused is acquitted from the charges levelled against him. Consequently, connected miscellaneous petition is closed.

16.08.2023

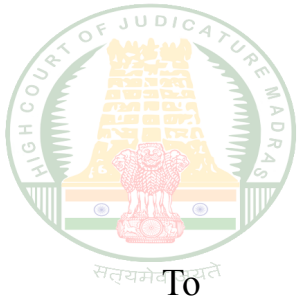
NCC : Yes/No

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Note: Issue order copy on 16.08.2023



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1. Additional District Judge,
Karur.
2. The Judicial Magistrate No.II,
Kulithalai.
3. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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