



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASANCrl.R.C. (MD) No.402 of 2017andCrl.MP.(MD)No.7626 of 2017

Heartin Lourduraj

... Petitioner/Accused

Vs.

S.Shantha

... Respondent/Complainant

This Criminal Revision case is filed under Sections 397 and 401 of Code of Criminal Procedure, 1973, to set aside the Judgement of the Appellate Court passed by the Learned Principal Sessions Judge, Tiruchirappalli Division, Tiruchirappalli in C.A.No.34 of 2016 dated 24.01.2017 confirming the judgment of the learned Judicial Magistrate, Manapparai, Trichy District in S.T.C.No.237 of 2015 dated 11.07.2016.

For Appellant

: Mr.A.Joel Paul Antony

For Respondent

: Mr.K.P.NarayanaKumar

ORDER

The petitioner has been convicted by the offence under Section 138 of Negotiable Instruments Act, 1881, and he has been sentenced to undergo simple imprisonment for six months and to pay Rs.7,00,000/- as compensation under Section 357 of Cr.P.C. in S.T.C.No.237 of 2015 on the file of the Judicial Magistrate, Manapparai, Trichy District. Challenging the above said conviction and sentence, the petitioner filed a Criminal Appeal in C.A.No.34 of 2016 on the file of the Sessions Court, Tiruchirappalli Division, Tiruchirappalli. The Appellate Court has confirmed the conviction and sentence, passed by the Judicial Magistrate Court and dismissed the appeal. Now challenging the same, the present revision has been filed.

2.Today, when the matter is taken up for hearing, both the complainant and the accused are present before this Court and also filed a petition to compound the offence under the Provisions of Sections 320 of Cr.P.C and 147 of Negotiable instruments Act and the parties have stated that the matter has been settled through the mediators and the defacto complainant is not willing to proceed with the case. When this Court enquired the defacto complainant she has stated that the disputes between the petitioner and herself is settled out of Court and she has also received the entire cheque amount and she is not willing to



proceed further in this case.

3. Since the dispute between the parties has already been settled, the complainant is also not willing to proceed with the complaint and the offence is also compoundable, I am inclined to compound the offence.

4. The said compromise is recorded.

5. In fine, this Criminal Revision Case is allowed and the offence under Section 138 of the Negotiable Instruments Act, 1881, in S.T.C.No.237 of 2015 stands compounded. Accordingly, the conviction and sentence imposed in S.T.C.No.237 of 2015 as confirmed in C.A.34 of 2016 on the file of the Learned Principal Sessions Judge, Tiruchirappalli Division, Tiruchirappalli is set aside. Consequently, connected CrI.M.P.(MD).No.7626 of 2017 is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo
To

1. The Principal Sessions Judge,
Tiruchirappalli Division,
Tiruchirappalli.
2. The Judicial Magistrate,
Manapparai, Trichy District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.A.Joel Paul Antony, ADVOCATE IN SR No.73965

+ 1 CC TO MR.K.P.NarayanaKumar, ADVOCATE IN SR No.73553

msa/vsg

MK/SV MMS/SAR-4/2P/6C/20.09.2017

CrI.R.C. (MD) No.402 of 2017
and

CrI.M.P.(MD) No.7626 of 2017
21.08.2017