



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.R.C(MD)No.288 of 2016

WEB COPY

N.Sivaramakrishnan

: Petitioner

Vs.

S.Manimaran

: Respondent

PRAYER: Revision is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records relating to the order of the judgment by the Additional Sessions Judge, Dindigul dated 01.02.2016 in C.A.No.30 of 2013 confirming the judgment passed by the learned Judicial Magistrate, Fast Track Court, Palani in S.T.C.No.17 of 2011 on the file of Judicial Magistrate, Fast Track Court, Palani by judgment dated 13.03.2013 and set aside the same by allowing the present Criminal Revision Petition.

For Petitioner

: Mr.S.Ramasamy

For Respondent

: Mr.R.Jegadeeswaran

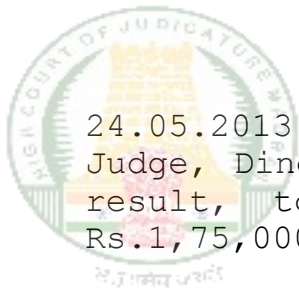
ORDER

This criminal revision case is directed against the concurrent findings of the Court below in respect of the offence under section 138 of Negotiable Instruments Act.

2.The revision petitioner herein has borrowed a sum of Rs.5,00,000/- from the respondent and issued a cheque dated 21.05.2007, which was bounced on presentation for insufficiency of fund. This has led to lodge the private complaint before the Judicial Magistrate, Fast Track court, Palani in S.T.C.No.17 of 2011.The trial Court has convicted the revision petitioner/accused and sentenced him to undergo three months simple imprisonment and compensation of Rs.5,00,000/- to be paid in two instalments within a period of two months. Aggrieved by that, the appeal was preferred before the learned Additional Sessions Judge, Dindigul. The said appeal was dismissed on 01.02.2016 confirming the conviction and sentence imposed by the trial Court.

3.In the criminal revision case preferred challenging the judgments of the Courts below, the revision petitioner was directed to deposit a sum of Rs.50,000/- as condition to suspension the sentence.

4.When the matter was taken up for final hearing, the parties have filed a joint compromise memo stating that they have entered into a compromise and pursuant to the compromise Rs.3,25,000/- has been paid in cash to the respondent herein, apart from Rs.50,000/- was deposited pursuant to the order of this Court and another additional sum of Rs.1,25,000/- was deposited on



24.05.2013 pursuant to the order passed by the Additional Sessions Judge, Dindigul while suspending the sentence pending appeal. As a result, total sum of Rs.3,25,000/- was received in cash and Rs.1,75,000/- is in Court deposit.

5.The sum and substance of the compromise memo indicates that the respondent/complainant is ready to compound the offence and he may be permitted to compound the offence. Since the petitioner has already paid Rs.3,25,000/- by cash, the respondent may be permitted to withdraw Rs.1,75,000/- with accrued interest, deposited in the bank pursuant to the Court directions.

6.The joint compromise memo signed by the petitioner, respondent and their respective counsel, is filed along with the receipt indicating the deposits. Pursuant to the joint compromise memo, the offence is compounded by invoking the power under Section 147 of Negotiable Instruments Act.

7.In the result, this Criminal Revision Case is disposed of in the terms of compromise. The offence being compounded and this accused is acquitted. The judgment dated 13.03.2013 passed in S.T.C.No.17 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court, Palani, as confirmed by the learned Additional Sessions Judge, Dindigul in C.A.No.30 of 2013, dated 01.02.2016, is set aside. The respondent is permitted to withdraw the amount Rs.1,75,000/- with interest accrued, which stand in the account of S.T.C.No.17 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court, Palani. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

ENCL: Xerox copy of Joint Compromise Memo

To

1. The Additional Sessions Judge, Dindigul.

2. The Judicial Magistrate, Fast Track Court, Palani.

+1cc to Mr.S.Ramasamy, Advocate Sr.No.91593

+1cc to Mr.R.Jegadeeswaran, Advocate Sr.No.91498

CP

VB/SV/SAR/12.12.2018/2P/5C