

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.1203 of 2012

Senthamizhselvi

..

Petitioner/Accused

Vs.

Iyyappan

..

Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 06.12.2010 passed in C.C.No.196 of 2009 (sic S.T.C.No.196 of 2009) on the file of the District Munsif-cum-Judicial Magistrate Court, Neyveli, confirmed by the judgment and order dated 29.08.2012 passed in C.A.No.139 of 2010 on the file of the III Additional District and Sessions Court, Cuddalore, Vridhachalam.

For Petitioner : Mr.A.Ram Kumar

For Respondent : No appearance

O R D E R

This criminal revision has been filed seeking to set aside the judgment and order dated 06.12.2010 passed in C.C.No.196 of 2009 (sic S.T.C.No.196 of 2009) on the file of the District Munsif-cum-Judicial Magistrate Court, Neyveli, confirmed by the judgment and order dated 29.08.2012 passed in C.A.No.139 of 2010 on the file of the III Additional District and Sessions Court, Cuddalore, Vridhachalam.

2. For the sake of convenience, the petitioner and the respondent will be referred to as accused and complainant, respectively.

3. It is the case of the complainant that the accused borrowed a sum of Rs.4,50,000/- from him on 12.10.2008, towards

which, she gave a cheque (Ex-P1) dated 13.01.2009; when the complainant presented the cheque (Ex-P1), it was returned unpaid with the endorsement "Funds Insufficient" vide bank's return memo (Ex-P2) dated 20.01.2009; therefore, the complainant issued a statutory demand notice (Ex-P3) dated 27.01.2009; since the accused did not comply with the demand, the complainant initiated a prosecution in C.C.No.196 of 2009 (sic S.T.C.No.196 of 2009) before the District Munsif-cum-Judicial Magistrate, Neyveli, for the offence under Section 138 of the Negotiable Instruments Act (for brevity "the NI Act"), against the accused.

4. The trial Court, by judgment and order dated 06.12.2010 in C.C.No.196 of 2009 (sic S.T.C.No.196 of 2009), convicted the accused of the offence under Section 138 of the NI Act and sentenced her to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment. From the fine amount, a sum of Rs.2,500/- was directed to be paid as compensation to the complainant.

5. The appeal in C.A.No.139 of 2010 filed by the accused was dismissed by the III Additional District and Sessions Court, Cuddalore, Vridhachalam, on 29.08.2012.

6. Aggrieved by the concurrent findings of fact arrived at by the Courts below, the accused has preferred the present revision invoking Section 397 r/w 401 Cr.P.C.

7. Heard Mr.A.Ram Kumar, learned counsel for the accused. Today, Senthamizhselvi, the accused herein, is present before this Court. Notice has been served on the complainant and his name is printed in the cause list.

8. Today, when the matter was taken up for hearing, the learned counsel for the accused submitted that the accused has settled the matter with the complainant amicably and prayed for compounding of the offence under Section 147 of the NI Act. He further submitted that the complainant was willing to come to Chennai, but, on account of his wife's sudden illness, he is not able to be present before this Court. He also produced the original settlement letter dated 21.03.2019, wherein, it is stated that the matter has been amicably settled.

9. In such perspective of the matter, the offence under Section 138 of the NI Act is compounded under Section 147, ibid. and the accused is acquitted of the said charge. Bail bond, if any, executed by the accused shall stand cancelled. Fine amount, if any, paid by the accused shall be refunded.

In fine, this criminal revision is allowed by setting aside the judgment and order dated 06.12.2010 passed in C.C.No.196 of 2009 (sic S.T.C.No.196 of 2009) on the file of the District Munsif-cum-Judicial Magistrate Court, Neyveli, confirmed by the judgment and order dated 29.08.2012 passed in C.A.No.139 of 2010 on the file of the III Additional District and Sessions Court, Cuddalore, Vridhachalam.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

nsd

To

1. The District Munsif-cum
-Judicial Magistrate,
Neyveli.

2. The III Additional District
and Sessions Judge,
Cuddalore, Vridhachalam.

3.TheDeputyRegistrar, with a
(Crl.Side) direction to return the
Madras High original records to the Courts
Chennai - 104. Court, below concerned

सत्यमेव जयते

+1 cc to Mrs.A.L.Ganthimathi Advocate sr101462

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