



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl. A. (MD) No. 227 of 2012

WEB COPY

J.Devraj

... Appellant/Respondent/Complainant

Vs.

S.Kannan

... Respondent/Appellant/Accused

Prayer : This Criminal Appeal is filed under Section 378 of Cr.P.C., to set aside the Judgment of acquittal passed by the Additional District Sessions Judge, Trichy, in C.A.No.108 of 2010, dated 19.10.2011 in C.C.No.822 of 2006 dated 16.08.2010 on the file of the Judicial Magistrate No.III, Trichy and allow the criminal appeal.

For Appellant : Mr.C.Jegannathan

For Respondent : Mr.A.Thiruvadikumar

JUDGMENT

The appellant is the complainant in C.C.No.822 of 2006 on the file of the Judicial Magistrate No.III, Thiruchirappalli. The appellant prosecuted the respondent for the offence under Section 138 of the Negotiable Instruments Act. The learned trial Magistrate by Judgment dated 16.08.2010 found the respondent guilty of the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year Rigorous Imprisonment and levied with a fine of Rs.5,000/- Aggrieved by the same, the accused filed C.A.No.108 of 2010 before the Additional District and Sessions Judge/Fast Track Court No.2, Thiruchirappalli. The complainant also filed Crl.R.C.No.95 of 2010 seeking payment of compensation. The appeal filed by the accused and the revision case filed by the complainant were disposed of together by the impugned Judgment dated 19.10.2011. While the revision case filed by the complainant was dismissed and the appeal filed by the appellant was allowed. Challenging the same, this Criminal appeal has been filed by the complainant.

2. Heard the learned counsel on either side.

3. This Court suggested to the parties that instead of pursuing this matter, they can amicably resolve the issue. Thiru.S.Kannan, respondent in this appeal is present in person before this Court. Likewise, Thiru.J.Devraj, complainant is also present in person before this Court. To give quietus to the issue, the respondent herein is now ready to pay a sum of Rs.2 Lakhs to the revision petitioner/complainant on or before 18.10.2019. Thiru.A.Thiruvadikumar, learned counsel appearing for the respondent shall hand over the Demand Draft in favour of the appellant Devraj



to the counsel for the complainant. The offer made by the respondent is acceptable to the appellant also.

4. Therefore, with this direction to the respondent to pay a sum of Rs.2 Lakhs to the appellant and by recording such undertaking, the Criminal Appeal stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Additional District Sessions Judge,
Trichy.
2. The Judicial Magistrate No.III, Trichy
- 3.The Section Officer, Criminal Section,(2 COPIES)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-80143[F] dated
07/08/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-80124[F] dated
06/08/2019)

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SMA/19/12/19/2P/7C