



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.172 of 2019

Subramanian : Revision Petitioner/Petitioner/Accused

Vs.

A.Baskaran : Respondent/Complainant/Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment passed by the VI Additional District and Sessions Judge, Madurai, in C.A.No.59 of 2014, dated 07.01.2016, confirming the judgment of the Judicial Magistrate No.1. (Fast Track Court), Madurai, in STC No.26 of 2012, dated 14.11.2012.

For Revision Petitioner : Mr.S.Ramasamy
For Respondent : Mr.M.Sridharan

J U D G M E N T

This criminal revision is directed against the judgment passed by the VI Additional District and Sessions Judge, Madurai, in C.A.No.59 of 2014, dated 07.01.2016, confirming the judgment of the Judicial Magistrate No.1. (Fast Track Court), Madurai, in STC No.26 of 2012, dated 14.11.2012.

2.The brief facts of the case is that the complainant worked as Chief Time Keeper in the Mahalaxmi Textile Mills Private Limited, Pasumalai, Madurai, which was run by the accused and the company was closed during the month of October 1996 and the accused is in-charge for the liabilities of the Mahalaxmi Textile Mills Private Limited, Madurai and he was running another Company in the name and style of "Shree Maruthi Textiles" at Tharapuram and during the month of June 2006, to settle the gratuity amount due to the complainant, the accused issued a posted dated cheque bearing registration No.86211, dated 10.01.2007 drawn on Punjab National Bank, Madurai Branch, for Rs.40,636/-. On presentation of the cheque on 12.05.2007 for collection through the Indian Bank, TVS Nagar Branch, Madurai, it was returned with an endorsement that **"Payment Stopped by the Drawer"** Hence, the complainant has issued a notice, dated 25.05.2007 calling upon the accused to pay the cheque amount and after receiving the notice, the accused neither sent a reply nor paid the cheque amount. Hence, the case.



3. The trial court, by judgment, dated 14.11.2014 made in STC No.26 of 2012 convicted the revision petitioner/accused for the offence under Section 138 r/w 142 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and directed him to pay a compensation of Rs.40,636 within two months from the date of passing of the judgment. Against the Judgment of the trial court, the revision petitioner/accused preferred C.A.No.59 of 2014, on the file of the VI Additional District and Sessions Judge, Madurai, which was dismissed for default on 07.01.2016. Aggrieved over the same, the revision petitioner/accused is before this court.

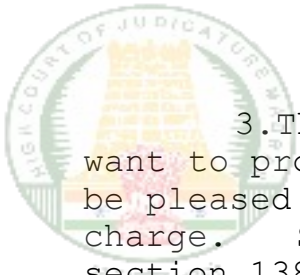
4. It is submitted by the learned counsel appearing for the revision petitioner/accused that the revision petitioner/accused is in Central Prison and now, the dispute between the parties has been settled amicably. The learned counsel appearing for the respondent has not disputed the above fact.

5. This court, by order, dated 20.03.2019, directed the Superintendent, Central Prison, Madurai to produce the revision petitioner/accused before this court, on 21.03.2019 so as to settle the dispute between the parties and due to non-appearance of the respondent, the case was posted to 22.03.2019.

6. When the matter is taken up for hearing on 22.03.2019, the revision petitioner/accused is produced before this court. The respondent is present. The learned counsels appearing for both sides are also present and a Joint Memorandum of compromise, dated 22.03.2019 is filed stating that the dispute between the parties has been settled amicably.

7. The Joint Compromise Memo, dated 22.03.2019 reads as follows:-

"(2) The petitioner/appellant submits that as against the appellate court judgment, the petitioner filed Criminal Revision before this Hon'ble Court along with petition for condoning the delay, while pending the same, the petitioner and respondent are compromised each other with help of elders of both family, as per the compromise the petitioner/accused has to pay entire compensation amount of Rs.40,636/ to the accused to the complainant herein, on the basis of the compromise entered, the petitioner/accused drawn demand draft bearing No.335787 of Rs.41,000/-, dated 18.03.2019 (Indian Bank, Dharapuram Branch) in favour of respondent/complainant A.Baskaran. Today the matter is listed before this Hon'ble Court, the petitioner/accused has handed over the above Demand Draft to the counsel for the respondent/complainant and he also received the same.



3.The both petitioner/appellant and the respondent do not want to proceed this case further and thereby this Hon'ble Court may be pleased to compound the offence and acquit the appellant from the charge. Since as per Section 147 of NI Act the offence under section 138 of NI Act is compoundable.""

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8.Since the matter has been amicably settled between the parties and a joint compromise memo has also been filed to that effect, no fruitful purpose will be achieved to proceed further in this matter.

9.In the light of compromise entered into between the parties, this Criminal Revision is **allowed** and the judgment of the Judicial Magistrate No.1 (Fast Track Court at Magisterial Level), Madurai, passed in STC No.26 of 2012, dated 14.11.2014, confirmed by the VI Additional District and Sessions Judge, Madurai, in CrI.A.No.59 of 2014, dated 07.01.2016 are set aside. The revision petitioner/accused is directed to be released forthwith, unless his detention is required in connection with any other case. The Joint Compromise Memo, dated 22.03.2019 shall form part of the order.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

Enclosure:Xerox Copy of Joint Compromise Memo

To,

- 1.The VI Additional District and Sessions Judge,
Madurai.
- 2.The Judicial Magistrate No.1,
(Fast Track Court at Magisterial Level),
Madurai.
- 3.The Superintendent
Central Prison,
Madurai

+1cc to Mr.S.Ramasamy, Advocate, SR.No.56012

Judgment made in
CrI.R.C (MD) No.172 of 2019
22.03.2019

SP/22.03.2019/ 3P/5C