



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.06.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.205 of 2019

and

Crl.MP(MD)Nos.3132 and 3133 of 2019

Jeyadevan

: Revision Petitioner/
Appellant/Accused

Vs.

P.Prakash

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code against the judgment, dated 07.01.2019 in Crl.A.No.61 of 2017 by the Sessions Judge, Tiruchirapalli Division, confirming the judgment in STC No.1277 of 2013, dated 21.06.2017 passed by the Judicial Magistrate No.IV, Tiruchirapalli.

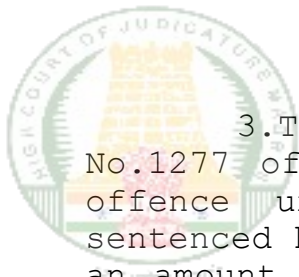
For Revision Petitioner : Mr.N.Ganeshmurthy

For Respondent :Mr.Arun Jayatram

J U D G M E N T

This criminal revision is directed against the judgment, dated 07.01.2019 passed in Crl.A.No.61 of 2017 by the Sessions Judge, Tiruchirapalli Division, confirming the judgment passed in STC No.1277 of 2013, dated 21.06.2017 by the Judicial Magistrate No.IV, Tiruchirapalli.

2.The brief facts of the case is that on 25.01.2012, the accused borrowed a sum of Rs.11,30,000/- from the complainant for his business purpose and agreed to repay the same together with at the rate of 18% p.a and in order to discharge the liability, the accused issued a cheque bearing registration No.538951, dated 28.06.2013 for a sum of Rs.11,33,000/- drawn on Indian Bank, Thennur Branch, Trichy and on presentation of the same on 13.07.2017 through Oriental Bank, Thennur Branch, it was returned unpaid with the endorsement "Insufficient Funds." Thereafter, on 13.07.2017, the complainant issued a legal notice to the accused and on receipt of the same on 15.07.2017, there is no response from the accused. Hence, the case.



3.The trial court, by judgment, dated 21.06.2017 made in STC No.1277 of 2013 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay an amount of Rs.11,30,000/- to the complainant as compensation and in default, to undergo simple imprisonment for a further period of two months. Against the judgment of the trial court, the revision petitioner/accused preferred C.A.No.61 of 2017 on the file of the Principal Sessions Judge, Tiruchirapalli and the learned Judge also confirmed the findings of the trial court. Aggrieved over the same, the revision petitioner/accused is before this court.

4.When the matter is taken up for hearing on 12.06.2019, the petitioner and the respondent are present along with their respective counsel. A Joint Memorandum of compromise, dated 11.06.2019 has been filed by the parties stating that the dispute between the parties has been settled amicably.

5.Keeping in view of the above fact, since offence under Section 138 of the Act can be compounded at any stage of the proceedings and now, the matter has been amicably settled between the parties, the parties are allowed to compound the offence and the revision petitioner be acquitted from the charges under which he was convicted.

6.In the light of compromise entered into between the parties, this Criminal Revision is **disposed of**. The Joint Compromise Memo, dated 11.06.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

Enclose: Xerox Copy of Joint Compromise Memo.

To

1.The Judicial Magistrate No.IV,
Tiruchirapalli.

2.The Sessions Judge, Trichy.

+1 CC to M/s.N.GANESHMURTHY, Advocate SR-68504.

Judgment made in
Cr1.R.C (MD) No.205 of 2019
12.06.2019