



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.03.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.85 of 2019

and

CrI.M.P(MD)Nos.1664 and 1665 of 2019

Y.Sundaram : Revision Petitioner/Respondent/Accused

Vs.

Veeracham :Respondent/Appellant/Complainant

Prayer: Criminal Revision Petition has been filed under Sections 397 and 401 of Criminal Procedure Code, against the judgment, dated 05.02.2019 made in C.A.No.26 of 2017 on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukottai, reversing the judgment, dated 12.01.2017 made in C.C.No.81 of 2014 on the file of the Judicial Magistrate Court (Fast Track Court), Pattukottai.

For Revision Petitioner : Mr.V.Sasi Kumar
For Respondent : Mr.S.Sankar

J U D G M E N T

This criminal revision is directed against the judgment, dated 05.02.2019 made in C.A.No.26 of 2017 on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukottai, reversing the judgment, dated 12.01.2017 made in C.C.No.81 of 2014 on the file of the Judicial Magistrate Court (Fast Track Court), Pattukottai.

2.The factual matrix of the case leading to the filing of the present revision petition are as under:-

The accused borrowed a sum of Rs.7,00,000/- from the respondent during the 2nd week of October 2011 and agreed to repay the amount within three months and issued a cheque, dated 19.01.2012 and on presentation, the same was returned as "Funds Insufficient". Thereafter, a legal notice was issued and the same was served on the accused, but there is no reply. Hence, a complaint under Section 138 of the Negotiable Instruments Act (in short "The Act") was filed.

3.The accused was summoned. Notice under Section 251 Cr.P.C was served upon the accused to which he pleaded not guilty and claimed trial. After completing trial, vide order, dated 12.01.2017,



learned Judicial Magistrate (Fast Track Court), Pattukottai, acquitted the accused.

4. Feeling aggrieved by this order, appeal was preferred before the III Additional District and Sessions Judge, Thanjavur at Pattukottai, dated 05.02.2019 and the learned Judge convicted the revision petitioner for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year, besides, directed to pay a sum of Rs.7,00,00/- to the respondent, in default two more months of Simple Imprisonment. Challenging the said order, the present criminal revision has been filed.

5. When the matter is taken up for hearing on 13.03.2019, the revision petitioner and the respondent/de-facto complainant along with their counsel appeared in person. They have already filed a Joint Memorandum of compromise, dated 08.03.2019 stating that the dispute between the parties has already been compromised.

6. The Joint Compromise Memo, dated 08.03.2019 reads as follows:-

"It is submitted that both the petitioner and the respondent have agreed to settle the issue amicably. Accordingly, the petitioner is agreed to pay a sum of Rs.3,75,000/- (Three Lakhs seventy five thousand only) to the respondent and the respondent is received the said amount on 07.03.2019. It is submitted that the petitioner is working as a Secondary Grade Teacher and in the nature of the alleged offence, this Hon'ble Court may be pleased to set aside the order of conviction passed by the Learned III Additional District and Sessions Judge, Thanjavur, in C.A.No.26 of 2017."

7. 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 of the charges convicted against him and the compensation awarded by the lower appellate court is set aside.

8. The revision petition is accordingly **disposed of** in terms of the settlement arrived at between the parties. The Joint Compromise Memo, dated 08.03.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



Enclosure:Xerox Copy of Joint Compromise Memo
To

1.The III Additional District and Sessions Judge,
Thanjavur at Pattukottai.

2.The Judicial Magistrate Court (Fast Track Court),
Pattukottai.

+1cc to Mr.V.Sasi Kumar,Advocate, SR.No.54034

Judgment made in
Crl.R.C (MD) No.85 of 2019
14.03.2019

SP/15.03.2019/ 3P/4C