

**Bail Slip**

The Petitioner/Accused Arunachalam, S/o.Velayuthampillai, male, has been released on bail as per the order of this Court dated 25/04/2019 made in CRL MP(MD)No.913 of 2019 in CRL RC (MD)No.11 of 2019.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.08.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLICrl.RC (MD)No.11 of 2019

Arunachalam : Petitioner/Appellant/Accused

Vs.

Sankara Vadivoo : Respondent/Respondent/Complainant

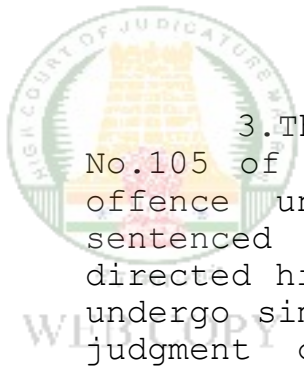
Prayer: Criminal Revision has been filed under Sections 397 and 401 of the Criminal Procedure Code, against the order passed in Crl.A.No.28 of 2017, dated 20.03.2018 on the file of the II Additional District Court, Thoothukudi, confirming the order passed in C.C.No.105 of 2016, dated 27.02.2016 on the file of the Fast Track Court/Judicial Magistrate Court, Thoothukudi.

For Revision Petitioner : Mr.F. X. EUGENE
For Respondent : Mr.J.Ashok

J U D G M E N T

This Criminal Revision is directed against the order passed in Crl.A.No.28 of 2017, dated 20.03.2018 on the file of the II Additional District Court, Thoothukudi, confirming the order passed in C.C.No.105 of 2016, dated 27.02.2016 on the file of the Fast Track Court/Judicial Magistrate Court, Thoothukudi.

2.The brief facts of the case are that the complainant and the accused are relatives and owing to the relationship, the accused borrowed a sum of Rs.2,50,000/- from the complainant in the 1st week of April 2015 for his family necessity and promised to repay the debt in two months and on 03.06.2015, the accused issued two cheques drawn on State Bank of India, Palayamkottai Branch and when the cheques were presented for collection, they were returned stating that "Insufficient Funds." Thereafter, on 12.06.2015, the complainant issued a legal notice, which was received by the accused on 17.06.2015, but there is no response. Hence, the case.



3. The trial court, by judgment, dated 27.02.2016 made in CC No.105 of 2016, 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 directed him to pay a compensation of Rs.2,50,000/0-, in default to undergo simple imprisonment for a period of one month. Against the judgment of the trial court, the revision petitioner/accused preferred C.A.No.28 of 2017, on the file of the II Additional District and Sessions Judge, Thoothukudi, which was dismissed on 20.03.2018. 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 that the dispute between the parties has already been settled amicably before the Mediation and Conciliation Centre, attached to this Bench on 10.06.2019. The learned counsel appearing for the respondent has not disputed the above fact. The Settlement Agreement, dated 10.06.2019 reads as follows:-

"6. The following settlement has been arrived at between the parties hereto;-

The Revision Petitioner and respondent are agreed to settle the case before Mediation for the following terms:-

The cheque amount is Rs.2,50,000/-. As per Hon'ble Court direction, the petitioner paid Rs.2,50,000/- to the respondent. The balance amount is Rs.2,25,000/- (Rupees Two Lakhs Twenty Five thousand only).

The revision petitioner agreed to repay the balance amount in six instalments as follows:-

The 1st instalment Rs.30,000/- to pay on 10.07.19.

The 2nd instalment Rs.40,000/- to pay on 28.08.19.

The 3rd instalment Rs.40,000/- to pay on 27.09.19.

The 4th instalment Rs.40,000/- to pay on 28.10.19.

The 5th instalment Rs.40,000/- to pay on 28.11.19.

The 6th instalment Rs.35,000/- to pay on 06.01.2020.

The respondent is agreed the above terms."

5. Further, the Mediation Report, dated 17.07.2019 reveals that the parties to the proceedings are at liberty to proceed before



court if there is any default in the above terms. The matter is settled between the parties and closed before the mediation.

6. 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 before the Mediation and Conciliation Centre attached to this Bench, the parties are allowed to compound the offence and the revision petitioner be acquitted of the charge convicted against him.

7. The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties before the Mediation and Conciliation Centre, attached to this Bench. The Settlement Agreement, dated 10.06.2019 shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Encl.: Xerox copy of Settlement Agreement
To

1. The II Additional District Judge,
Thoothukudi.
2. The Chief Judicial Magistrate,
Thoothukudi District
3. The Judicial Magistrate/Fast Track Court
(Magisterial Level), Thoothukudi.

+1 CC to Mr. F. X. EUGENE, Advocate (SR-84907[F] dated 03/09/2019)

Judgment made in
Crl.R.C(MD) No.11 of 2019
30.08.2019

ER
MK (16.09.2019) 3P 5C