



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.07.2019
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.445 of 2019

and

Crl.MP(MD)No.6193 of 2019

Arivazhagan

: Revision Petitioner/
Appellant/ Sole Accused

Vs.

1.C.Shanthi

rep. by Power of Attorney

S.Parameswaran : 1st Respondent/Complainant

2.The State of Tamil Nadu,

rep. by the Public Prosecutor,

Nagercoil. : 2nd Respondent/3rd Party

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment of the Additional District and Sessions Judge (Fast Track Court), Kanniyakumari @ Nagercoil, passed in C.A.No.65 of 2007, dated 03.07.2018, confirming the judgement of the Judicial Magistrate No.II, Nagercoil, passed in STC No.98 of 2005, dated 21.03.2007.

For Revision Petitioner : Mr.K.Vamanan

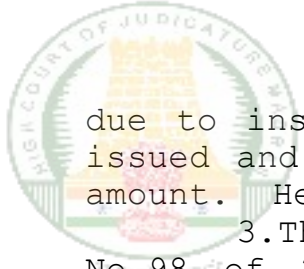
For 1st Respondent : Mr.C.Kishore

For 2nd Respondent : Mr.R.Anand Raj,
Additional Public Prosecutor

J U D G M E N T

This criminal revision is directed against the judgment of the Additional District and Sessions Judge (Fast Track Court), Kanniyakumari @ Nagercoil, passed in C.A.No.65 of 2007, dated 03.07.2018, confirming the judgement of the Judicial Magistrate No.II, Nagercoil, passed in STC No.98 of 2005, dated 21.03.2007.

2.The brief facts of the case is that on 01.07.2004, the accused borrowed a sum of Rs.2,50,000/- and promised to repay the same within a period of two months and issued a cheque dated 01.09.2004 bearing No.0046 of the Eathamozhy Primary Agricultural Co-operative Bank Limited and when the same was presented on 16.11.2004 through Union Bank of India, Vadasery, it was dishonoured



due to insufficient of funds and thereafter, statutory notice was issued and on receipt of the same, the accused has not repaid any amount. Hence, the case.

3.The trial court, by judgment, dated 21.03.2007 made in STC No.98 of 2005 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for 9 months and to pay a fine of Rs.5,000/-, in default SI for 2 months. The First Appellate Court also confirmed the findings of the trial court. Aggrieved by the concurrent findings of the Courts below, 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, Palayamkottai and now, the dispute between the parties has been settled amicably. The learned counsel appearing for the 1st respondent has not disputed the above fact.

5.This court, by order, dated 10.07.2019, directed the Registry to take steps to produce the revision petitioner/accused before this court on 12.07.2019 so as to settle the dispute between the parties.

6.When the matter is taken up for hearing on 12.07.2019, the revision petitioner/accused is produced before this court. The 1st respondent is present. The learned counsels appearing for both sides are also present and a Joint Memorandum of Compromise, dated 12.07.2019 is filed stating that the dispute between the parties has been settled amicably.

7.The Joint Compromise Memo, dated 12.07.2019 reads as follows:-

"Whereas, in the mean time the petitioner herein has settled the enquire cheque amount due to the first respondent on 03.07.2019 as full and final settlement as against the cheque amount and the first respondent has no other claim as against the petitioner herein. Further, the parties hereto were pacified and whereas both parties hereto have resolved the issues.

Whereas the first respondent resolved not to proceed with the criminal case and has no objection to allow the above criminal revision and acquit the petitioner/accused herein from all the charges.

Whereas in the light of the above compromise, the parties hereto shall not interfere with their personal life of each other with any issue or claim with regard to in this criminal case also. The first respondent is not interested to



proceed with the above criminal case against the petitioner.

Whereas the first respondent undertakes that he is not interested to proceed further with the criminal case further at any point of time against the petitioner herein. Therefore, the first respondent agreed to allow the criminal revision case in CrI.RC(MD)No.445 of 2019 and set aside the conviction and sentence passed against the petitioner herein."

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.II, Nagercoil, passed in STC No.98 of 2005, dated 21.03.2007, confirmed by the Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari @ Nagercoil, in CrI.A.No.65 of 2007, dated 03.07.2018 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 12.07.2019 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The Additional District & Sessions Judge,
(Fast Track Court),
Kanniyakumari @ Nagercoil.
- 2.The Judicial Magistrate No.2,
Nagercoil.
- 3.Do-thro The Principal District Judge,
Kanniyakumari at Nagercoil.
- 4.Do-thro The Chief Judicial Magistrate,
Kanniyakumari at Nagercoil.



5.The Superintendent,
Central Prison,
Palayamkottai,
Tiruneveli.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.VAMANAN, Advocate, SR.No. 74965

Cr1.R.C (MD) No.445 of 2019
12.07.2019

ER
KK/SAR/12.07.2019/4P-8C