

**Bail Slip**

The Petitioner/Petitioner namely J.Anandhi Mercilin was released on bail by this Hon'ble Court vide Order made in CrI.MP (MD)No.6713 of 2018 in CrI.RC(MD)No.491 of 2018, dated:27.08.2018.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLICrI.R.C (MD)No.491 of 2018

J.Anandhi Mercilin

: Revision Petitioner/
Appellant/Accused

Vs.

K.S.Balu

: Respondent/Complainant/
Respondent

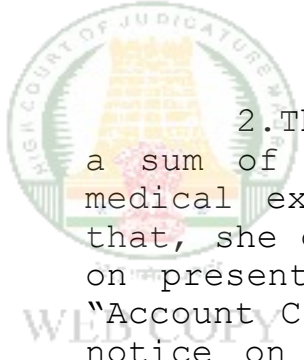
Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgement of the III Additional District Sessions Judge, Tirunelveli, dated 11.06.2018 in C.A.No.30 of 2017, confirming the Judgment of the Judicial Magistrate No.IV, Tirunelveli, passed in STC No.450 of 2010, dated 10.04.2017.

For Revision Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.C.Susikumar

J U D G M E N T

This criminal revision is directed against the judgement of the III Additional District Sessions Judge, Tirunelveli, dated 11.06.2018 in C.A.No.30 of 2017, confirming the Judgment of the Judicial Magistrate No.IV, Tirunelveli, passed in STC No.450 of 2010, dated 10.04.2017.



2.The brief facts of the case is that the accused borrowed a sum of 1,30,000/- on 29.12.2007 for her family expenses and medical expenses, agreeing to repay the same on demand and for that, she given a post-dated cheque for a sum of Rs.1,30,000/- and on presentation of the same on 10.09.2009, it was returned as "Account Closed" and in this regard, the complainant sent a legal notice on 03.10.2009 and on receipt of the same on 05.10.2009, there is no response from the accused. Hence, the case.

3.The trial court, by judgment, dated 10.04.2017 made in STC No.450 of 2010, convicted the revision petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act and sentenced her to undergo simple imprisonment for three months and also directed him to pay Rs.1,30,000/- in lieu to undergo one month simple imprisonment. Against the Judgment of the trial court, the revision petitioner/accused preferred Crl.A.No.30 of 2017 on the file of the III Additional District and Sessions Judge, Tirunelveli 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 29.04.2019, the petitioner and the respondent are present along with their respective counsel. A Joint Memorandum of Compromise, dated 23.04.2019 has already been filed by the parties stating that the dispute between the parties has been settled amicably.

5.The Joint Compromise Memo, dated 23.04.2019 reads as follows:-

"1.The petitioner and the respondent have settled the issue amicably out of court with the help of both family members and relatives. As per the terms and condition the revision petitioner has to give no objection to withdraw the deposit amount of Rs.1,30,000/- by him, dated 16.08.2017 and 12.09.2018 before the learned Judicial Magistrate No.IV, Tirunelveli. Further the revision petitioner has agreed to give no objection to withdraw the deposit of amount Rs.1,30,000/- and I am also agreed for his proposal. Since the issue has been amicably settled both the petitioner and respondent have no objection to allow the revision."

6.Keeping in view 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 ~~and the compensation awarded by the trial court is set aside.~~



7.The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The copy of the joint compromise memo, dated 23.04.2019 shall form part of the order.

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Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

Enclose: Xerox Copy of Joint Compromise Memo.

To:

1.The Judicial Magistrate No.4,
Tirunelveli.

2.The III Additional District and Sessions Judge,
Tirunelveli.

+1 CC to Mr.C.SUSI KUMAR, Advocate SR-64242.

+1 CC to Mr.N.DILIP KUMAR, Advocate SR-64788.

**Judgment made in
Crl.R.C (MD) No.491 of 2018
30.04.2019**

CS(24.07.2019) 3P 5C