



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.08.2019
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.599 of 2019

and

Crl.MP(MD)Nos.7474 and 7475 of 2019

Kanniayan : Revision Petitioner/
Appellant/Accused

Vs.

Amaravathi : Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment passed in C.A.No.27 of 2017 on the file of the Additional District and Sessions Court (Fast Track Court), Kumbakonam, dated 21.03.2019, confirming the judgment of the I Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, made in STC No.163 of 2006, 22.03.2017.

For Revision Petitioner : Mr.K.Guhan
For Respondent : Mr.B.Muthukarthikeyan

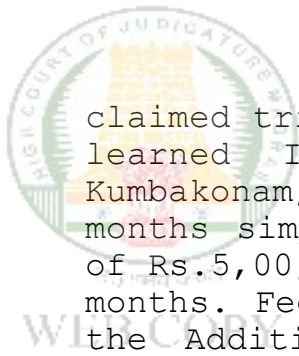
J U D G M E N T

This criminal revision is directed against the judgment passed in C.A.No.27 of 2017 on the file of the Additional District and Sessions Court (Fast Track Court), Kumbakonam, dated 21.03.2019, confirming the judgment of the I Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, made in STC No.163 of 2006, 22.03.2017.

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

The accused borrowed a sum of Rs.5,00,000/- from the complainant and for that, the accused has issued a cheque, dated 19.20.2005 for the same amount and when the said cheque was presented for collection on 23.02.2005, the same was returned for the reason that **Exceed Arrangements**. Thereafter the complainant issued notice, which was received by the accused on 26.02.2005, but there is no response. 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
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claimed trial. After completing trial, vide order, dated 22.03.2017, learned I Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, convicted the accused and sentenced him to undergo six months simple imprisonment and also directed to pay a compensation of Rs.5,00,000/- being the cheque amount to the complainant within 2 months. Feeling aggrieved by the order, appeal was preferred before the Additional District and Sessions Judge (Fast Track Court), Kumbakonam, and the first appellate court had also confirmed the findings of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably and to that effect a joint compromise memo, dated 22.08.2019, which would run thus:-

"It is humbly submitted that the compromise were entered between the petitioner and the respondent on 19.08.2019 and the same was reduced into writing in the form of Compromise Agreement. As per the compromise agreement, the respondent has accepted to receive full and final settlement for a sum of Rs.3,80,000/-. The respondent has received for a sum of Rs.2,00,000/- from the petitioner on 19.07.19. Further, the respondent has received a sum of Rs.1,80,000/- from the petitioner on 19.08.2019. Totally the respondent has received a sum of Rs.3,80,000/- from the petitioner. The respondent has no objection to allow the Criminal Revision case in favour of the petitioner."

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 of the charge(s) convicted against him and the compensation ordered by the trial court is set aside.

6.The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 22.08.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The I Additional District-cum-Judicial
Magistrate,
Kumbakonam.

2.The Additional District and Sessions Judge,
Fast Track Court, Kumbakonam.

3.The Chief Judicial Magistrate,
Kumbakonam.

4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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

+1 CC to Mr.K. GUHAN, Advocate SR-83407.

**Judgment made in
CrI.R.C(MD)No.599 of 2019
26.08.2019**

CS(11.10.2019) 3P 7C