**Bail Slip**

The Appellant/Sole Accused namely Subramanian, aged 51, S/o.Manoharan, was directed to be released on bail as per the order of this Court dated 28.02.2014 in MP(MD).No.1/2014 in CrI.RC(MD). No.166/2014 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.08.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.166 of 2014

Subramani : Revision Petitioner/Appellant
Accused (Single)

Vs.

Esakki Muthu : Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment of the Fast Track Court (Magisterial Level), Thoothukudi, in C.C.No.78 of 2013, vide its judgment dated 06.09.2013 confirmed by the II Additional Sessions Judge, Thoothukudi, in C.A.No.81 of 2013, dated 28.11.2013.

For Revision Petitioner : Mr.R.Anand

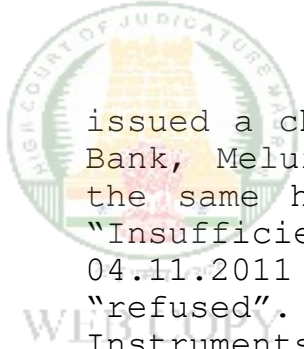
For Respondent : Mr.S.Bharathy Kannan

J U D G M E N T

This criminal revision is directed against the judgment of the Fast Track Court (Magisterial Level), Thoothukudi, in C.C.No.78 of 2013, confirmed by the II Additional Sessions Judge, Thoothukudi, in C.A.No.81 of 2013, dated 28.11.2013.

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

The complainant and the accused well known to more than 10 years and on 28.10.2012, the accused approached the complainant at his house and demanded Rs.3,50,000/- for his company development and promised to repay the said amount after one month and for that, he

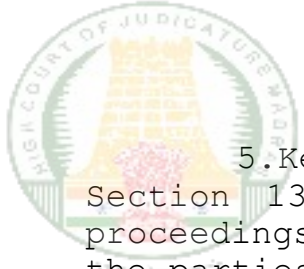


issued a cheque for Rs.3,50,000/-, dated 01.12.2012 drawn on Indian Bank, Melur and when the cheque was presented for en-cashment and the same has been returned on 11.01.2013 with the endorsement as "Insufficient Fund". Thereafter, the complainant issued notice on 04.11.2011 and the same was returned with an endorsement as "refused". Hence, a complaint under Section 138 of the Negotiable Instruments 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 06.09.2013, learned Fast Track Court (Magisterial Level), Thoothukudi, convicted the accused and sentenced him to undergo one year simple imprisonment and directed to pay a sum of Rs.3,50,000/- the cheque amount as compensation to the complainant within one month time, in default to undergo further period of one month simple imprisonment. Feeling aggrieved by the order, appeal was preferred before the Additional Sessions Judge, Thoothukudi. 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. A Joint Compromise Memo, dated 09.08.2019 has also been filed by the parties to that effect, which would run thus:-

1.The petitioner and the respondent would jointly submit that at the instance of the respondent, the case in hand was come into existence for the offence under Section 138 of the Negotiable Instrument Act before the Fast Track Court (Magisterial Level), Thoothukudi in C.C.No.78 of 2013 wherein, vide judgment dated 06.09.2013, the petitioner was found guilty under the said provision and sentenced to undergo one year simple imprisonment and further he was also directed to pay a sum of Rs.3,50,000/- as compensation to the respondent. Though an appeal has been filed as against the same in C.A.No.81 of 2013, the same was dismissed through judgment dated 28.11.2013 by the learned II Additional Sessions Judge, Thoothukudi, Thoothukudi District and subsequently, the main revision before this Hon'ble Court has been pressed into service. During the pendency of the same, as the parties herein have arrived at to a consensual solution in which as the petitioner has settled the entire due to the respondent as full and final settlement, the respondent has agreed to say no objection for compounding the said offence and accordingly the present memo is filed which can be considered as a proof for acknowledging the payment.



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 convicted against him and the compensation awarded 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 09.08.2019 shall form part of the order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To,

1. The II Additional Sessions Judge,
Thoothukudi.

2. The Judicial Magistrate (FTC),
Thoothukudi.

3. The Principal Sessions Judge, Thoothukudi.

+1 CC to M/s.S. BARATHIKANNAN, Advocate (SR-82620[F] dt.21/08/2019

+1 CC to M/s.R.ANAND, Advocate (SR-82787[F] dated 21/08/2019)

Judgment made in
CrI.R.C (MD) No.166 of 2014
20.08.2019

er

JMN(09.09.2019) 3P : 6C