

**BAIL SLIP**

The Revision Petitioner/Accused in this Criminal Revision Petitioner was directed to be enlarged on bail vide order of this Hon'ble Court dated 27.08.2015 made in MP(MD)No.1 of 2015 in CRL RC (MD)No.369 of 2015.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.369 of 2015

N.Suresh : Revision Petitioner/
Appellant/Accused

Vs.

N.Eswaran : Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment passed by the Additional District and Sessions Judge, Theni @ Periyakulam, dated 30.06.2015 made in C.A.No.30 of 2013, confirming the Judgment of the Judicial Magistrate (Fast Track Court), Uthamapalayam, dated 04.06.2013 made in STC No.52 of 2012.

For Revision Petitioner : Mr.S.Jeyasingh

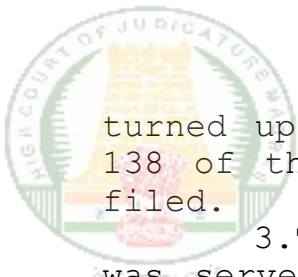
For Respondent : Mr.K.Appadurai

J U D G M E N T

This criminal revision is directed against the judgment passed by the Additional District and Sessions Judge, Theni @ Periyakulam, in C.A.No.30 of 2013, dated 30.06.2015, confirming the Judgment of the Judicial Magistrate (Fast Track Court), Uthamapalayam, dated 04.06.2013 made in STC No.52 of 2012.

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

The accused borrowed a sum of Rs.4,00,000/- from the complainant and promised to repay the same on demand and to discharge the said debt, the accused had issued a post-dated cheque drawn in State Bank of India, Chinnamanur branch for Rs.4,00,000/- and on presentation of the same on 14.04.2012 for collection, the same was returned as "Insufficient Funds". Thereafter, a legal notice was issued by the complainant, however, the accused had not



turned up to repay any amount. 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 she pleaded not guilty and claimed trial. After completing trial, vide order, dated 04.06.2013, Fast Track Court (Judicial Magistrate), Uthamapalayam, convicted the accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.3,000/-, in default to undergo one month simple imprisonment. Feeling aggrieved by the said order, appeal was preferred before the Additional District and Sessions Judge, Theni @ Periyakulam, which was also dismissed on 30.06.2015, confirming the order of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.When the matter is taken up for hearing on 19.07.2019, both the revision petitioner/accused and the respondent/complainant appeared before this court along with their respective counsel and a joint compromise memo has also been filed by the parties stating that the matter has been settled between the parties amicably.

5.The Joint Compromise Memo, dated 19.07.2019 reads as follows:-

(1)The revision petitioner/accused and the respondent/complainant submit that a compromise has been arrived between both parties and consequently the revision petitioner paid the cheque amount to the respondent/complainant. As per settlement the respondent/complainant has agreed to compound this case without any difference of opinion between them in future.

(2)It is submitted that as per compromise process respondent/complainant gives No Objection to compound this case under Section 138 of NI Act. The revision petitioner deposited Rs.50,000/- towards Bail security amount. The revision petitioner/accused and complainant jointly to withdraw the bail security amount of each Rs.25,000/- has deposited as per direction of this Hon'ble Court to the credit of STC No.52 of 2012 on the file of the Judicial Magistrate (Fast Track Court), Uthamapalayam.

(3)The petitioner submits that as well as the complainant/respondent jointly submits that such compromise has been taken place purely with an intention to settle the dispute among them and it is voluntary by the parties concerned. This Hon'ble Court by taking into consideration of the above said aspects with regard to the compromise and



in the interest of the parties, can leniently look into the present issue, as such the prayer sought for by the petitioner can be allowed.

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, the parties are allowed to compound the offence and the revision petitioner be acquitted of the charges convicted against him.

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 19.07.2019 shall form part of the order. Both the revision petitioner/accused and the respondent/complainant are permitted to withdraw the bail security amount of each Rs.25,000/-, which was deposited as per the direction of this court, to the credit of STC No.52 of 2012 on the file of the Judicial Magistrate (Fast Track Court), Uthamapalayam.

Sd/-

Assistant Registrar()

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Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate/
Fast Track Court,
Uthamapalayam.

2. The Additional District & Sessions Judge,
Theni @ Periyakulam.

+1CC TO MR.S.JEYASINGH, Advocate Sr. No.77018

+1CC TO MR.K.APPADURAI, Advocate Sr. No.77019

Judgment made in
Cr1.R.C(MD) No.369 of 2015
23.07.2019

DKS (CO)

TR (24.07.2019) 3P 5C