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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.844 of 2019

and

Crl.MP(MD)Nos.9988 and 9989 of 2019

Chakkaravarthi

: Revision Petitioner/
Appellant/Accused

Vs.

Thangadurai

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed in Crl.A.No.58 of 2017, dated 19.10.2019 on the file of the I Additional District and Sessions Judge, Thanjavur, confirming the judgment of conviction passed in STC No.463 of 2013, dated 21.07.2017 on the file of the Fast Track Judge at Magisterial Level, Thanjavur, and set aside the same.

For Revision Petitioner : Mr.V.Chandra Pandi

For Respondent : Mr.C.Bethanasamy

J U D G M E N T

This criminal revision is directed against the order passed in Crl.A.No.58 of 2017, dated 19.10.2019 by the I Additional District and Sessions Judge, Thanjavur, confirming the judgment passed in STC No.463 of 2013, dated 21.07.2017 by the Fast Track Judge at Magisterial Level, Thanjavur.

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

The complainant and the accused are known to each other and on 12.04.2013, the accused obtained a hand loan of Rs.3,00,000/- from the complainant agreeing to repay within a short space of time and as the complainant requested the accused to repay the amount, the accused issued a cheque bearing No.249761, dated 13.05.2013 for a sum of Rs.3,00,000/- drawn on State Bank of India, Thanjavur. When the complainant presented the said cheque on 13.05.2013, it was



dishonoured and returned uncollected as "**Funds Insufficient**" and in this regard, the complainant sent a legal notice on 31.05.2013 and after receipt of the same, the accused sent a reply on 18.07.2013 with false allegations. Hence, a complaint under Section 138 of the Negotiable Instruments Act (in short "The Act") was filed.

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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 21.07.2017, learned Fast Track Judge at Magisterial Level, Thanjavur, convicted the accused and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.3 Lakhs within three months, failing which the accused shall undergo 1 month of simple imprisonment. Feeling aggrieved by the said order, appeal was preferred before the I Additional District and Sessions Judge, Thanjavur. 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.On 05.12.2019, when the matter is taken up for hearing, the revision petitioner and the respondent along with their counsel appeared in person. It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably and the respondent/complainant has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 04.12.2019 has also been filed by the parties to that effect, which would run thus:-

"2.The petitioner further submits that against the order passed in the Crl.A.No.58 of 2017, dated 19.10.2019 on the file of the I Additional District & Sessions Court, Thanjavur, the petitioner filed the criminal revision petition before the Hon'ble Court in Crl.RC(MD)No.844 of 2019 and the same was came up before the Hon'ble Court on 15.11.2019 and notice was ordered to the respondent directed the Registry to post the matter after two weeks and the matter was adjourned to 09.12.2019. In the meantime, the matter was amicably settled out of court between the parties and the revision petitioner herein also paid a sum of Rs.3 Lakhs as compensation to the respondent in criminal petition."

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.



6.The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 04.12.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To,

1.The I Additional District & Sessions Judge,
Thanjavur.

2.The Fast Track Judge at Magisterial Level,
Thanjavur.

+1CC TO MR.A.ARUNPRASAD, Advocate Sr. No. 103786

Judgment made in
Cr1.R.C(MD)No.844 of 2019
06.12.2019

NS(CO)
TR(11.12.2019) 3P 4C