

**BAIL SLIP**

The Appellant/Accused namely S. Annammal, W/o. S.David are directed to be released on bail as per order of this court dated 06.09.2017 and made in CrI MP(MD)No.8051 of 2017 in CrI.R.C(MD) No.702 of 2017 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.702 of 2017

S.Annammal

: Revision Petitioner/
Petitioner/Accused

Vs.

J.Peter

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed by the 1st Additional District and Sessions Judge, Tirunelveli, in C.A.No.20 of 2015, dated 23.11.2016, modifying the order passed by the Judicial Magistrate, Valliyoor, in C.C No.256 of 2013, dated 12.12.2014.

For Revision Petitioner : Mr.C.Susi Kumar

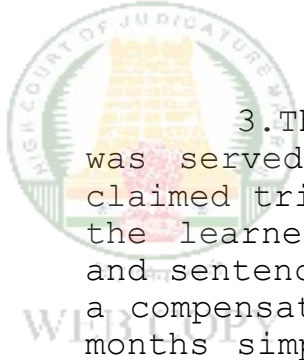
For Respondent : Mr.R.Anand

J U D G M E N T

This criminal revision is directed against the order passed by the 1st Additional District and Sessions Judge, Tirunelveli, in C.A.No.20 of 2015, dated 23.11.2016, modifying the order passed by the Judicial Magistrate, Valliyoor, in C.C No.256 of 2013, dated 12.12.2014.

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.3,25,000/- from the complainant on 04.03.2007 and issued a cheque for the said amount on 05.04.2007 of ICICI Bank, Vadakkankulam Branch and when the complainant presented the said cheque for collection through his bankers, the same was returned on 13.04.2007 as "**Account closed**" and in this regard, the complainant sent a legal notice on 16.04.2007 and after receipt of the same, there is no response from the accused. 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 12.12.2014, the learned Judicial Magistrate, Valliyoor, convicted the accused and sentenced her to undergo one year simple imprisonment and to pay a compensation of Rs.6,50,000/-, failing which she has to undergo 3 months simple imprisonment. Aggrieved over the same, the revision petitioner/accused has preferred an appeal before the 1st Additional District and Sessions Judge, Tirunelveli, in C.A.No.20 of 2015. The learned appellate Judge has confirmed the sentence, however, modified the compensation amount as Rs.3,50,000/-, out of Rs.6,50,000/- and in default to undergo 3 years simple imprisonment and confirmed the other aspects. Aggrieved over the same, the present criminal revision has been filed.

4.Today, when the matter is taken up for hearing, the revision petitioner/accused and the respondent/complainant 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 20.12.2019 has also been filed by the parties to that effect, which would run thus:-

"1.The petitioner submits that they are friends and intervention of both family members the issue has been compromised and amicably settled out of court. As per the terms and conditions, the petitioner has paid a sum of Rs.5,00,000/- to the respondent on 12.12.2019. Since they are well known to others, the issue has been compromised. Further, the respondent did not have any objection to compound the offence under section 147 of Negotiable Instrument Act, in CrI.RC No.702/2017 on the file of this Hon'ble High Court."

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 her and the compensation awarded by the trial court is set aside.

6.The criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 20.12.2019 shall form part of the order.

Sd/-

Assistant Registrar ()

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Encl: Xerox copy of Joint Compromise Memo

To,

WEB COPY

- 1.The I Additional District and Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate,
Valliyoar.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

Judgment made in
Crl.R.C (MD) No.702 of 2017
20.12.2019

VB(21.01.2020) 3P 5C