



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.935 of 2019

WEB COPY

S.Sheik Abdulla

: Revision Petitioner/
Appellant/Accused

Vs.

A.Gurusamy,
Proprietor,
M/s.Sundaravalli Textiles,
T.Pillayar Kovil Street,
Chettiarpaty,
Dhalavaipuram-626 112.
Virudhunagar District.

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order of the Principal Sessions Judge, Virudhunagar District at Srivilliputtur, in Crl.A No.173 of 2013, dated 17.09.2019, confirming the conviction and sentence of the Judicial Magistrate (FTC), Srivilliputtur, in C.C.No.56 of 2013, dated 25.11.2013.

For Revision Petitioner

: Mr.S.Muniyandi

For Respondent

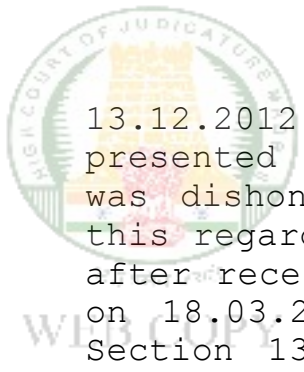
: Mr.R.Manickam

J U D G M E N T

This criminal revision is directed against the judgment of the Principal Sessions Judge, Virudhunagar District at Srivilliputtur, passed in Crl.A No.173 of 2013, dated 17.09.2019, confirming the conviction and sentence of the Judicial Magistrate (FTC), Srivilliputtur, passed in C.C.No.56 of 2013, dated 25.11.2013.

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

There was a business transaction between the petitioner/accused and the respondent/complainant and due to it, the petitioner has incurred debt of Rs.2,00,000/- and in order to clear the debt, the petitioner has issued cheque No.612613, dated



13.12.2012 of Tamil Nadu Mercantile Bank and when the complainant presented the said cheque through SBI, Srivilliputhur branch, it was dishonoured as "Insufficient of funds" and subsequently, in this regard, the complainant sent a legal notice on 11.03.2013 and after receipt of the same on 14.03.2013, the accused sent a reply on 18.03.2013 with false allegations. 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 claimed trial. After completing trial, vide order, dated 25.11.2013, learned Judicial Magistrate (FTC), Srivilliputtur, convicted the accused and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months. Feeling aggrieved by the said order, appeal was preferred before the Principal Sessions Judge, Virudhunagar District at Srivilliputtur. 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 20.12.2019, 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 the dispute between the parties has been settled amicably and the respondent/complainant has no objection to set aside the entire proceedings. In this regard, a Joint Compromise Memo, dated 28.11.2019 has already been filed by the parties, which would run thus:-

"4.It is submitted that the appellate court dismissed the appeal on 17.09.2019 but within one month the dispute between the petitioner and the respondent was settled amicably. Accordingly, the petitioner paid an amount and the issue is settled between the parties. The offence on which the petitioner got convicted is a compoundable offence. In view of this fact, the conviction and sentence passed by the trial court and the appellate court may be set aside. The respondent has no objection to set aside the conviction against the petitioner in C.C.No.56 of 2013 on the file of learned Judicial Magistrate (Fast Track Court), Srivilliputtur and the judgment confirming the conviction passed in Crl.A.No.173 of 2013 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputtur."



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 criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 29.11.2019 shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl:Xerox copy of joint compromise memo

er

To

1.The Judicial Magistrate, (FTC),
Srivilliputtur.

2.The Principal Sessions Judge,
Virudhunagar District at Srivilliputtur.

+1 CC to Mr.S.MUNIYANDI, Advocate (SR-106193[F] dated
20/12/2019)

Judgment made in
Crl.R.C (MD)No.935 of 2019
20.12.2019

KM/(27.01.2020) 3P 4C