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Crl.RC(MD)No.969 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: **30.12.2019**

CORAM

THE HONOURABLE MRS.JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.969 of 2019

and

Crl.MP(MD)No.11459 of 2019

R.Senthilkumar

: Petitioner/Appellant/
Sole Accused

Vs.

S.Kaliappan

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of Code of Criminal Procedure against the judgment passed in STC No.115 of 2016 by the Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai, dated 19.08.2017, which was confirmed by the 6th Additional District and Sessions Judge, Madurai, in Crl.A No.179 of 2017, dated 25.09.2018.

For Petitioner

: Mr.M.Aarumugam

For Respondent

: Mr.P.Karthick

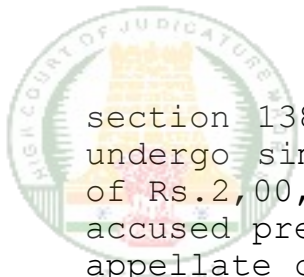
J U D G M E N T

This criminal revision is directed against the judgment passed in STC No.115 of 2016 by the Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai, dated 19.08.2017, which was confirmed by the 6th Additional District and Sessions Judge, Madurai, in Crl.A No.179 of 2017, dated 25.09.2018.

2.According to the respondent/complainant, the revision petitioner/accused obtained a sum of Rs.2,00,000/- as loan from him on 04.08.2015 and in order to discharge the said liability, issued a cheque No.252183 for a sum of Rs.2,00,000/-, dated 07.09.2015 and when the same was presented for collection, it was returned with an endorsement "**Funds Insufficient**" on 15.09.2015 and thereafter, the complainant issued a legal notice on 29.09.2015, however, there is no response. Hence, the case.

3.The trial court, after proper appreciation of the entire materials available on record, found the accused guilty under

<https://hcservices.mca.gov.in/hcservices>



section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a compensation of Rs.2,00,000/-. Aggrieved by the judgment of the trial court, the accused preferred appeal before the first appellate court. The first appellate court dismissed the appeal, confirming the judgment of the trial court. Against which, the revision petitioner/accused is before this court.

4.It is submitted by the learned counsel appearing for the revision petitioner/accused that the revision petitioner/accused is in Central Prison, Madurai and now, the dispute between the parties has been settled amicably. The learned counsel appearing for the respondent has not disputed the above fact.

5.This court, by order, dated 20.12.2019, directed the Superintendent, Central Prison, Madurai to produce the revision petitioner/accused before this court, on 30.12.2019 so as to settle the dispute between the parties.

6.Today when the matter is taken up for hearing, the revision petitioner/accused produced before this court. The respondent is present. The learned counsels appearing for both sides are also present and a Joint Memorandum of Compromise, dated 30.12.2019 filed stating that the dispute between the parties has been settled amicably.

7.The Joint Compromise Memo, dated 30.12.2019 would run thus:-

"The revision petitioner has agreed to pay a sum of Rs.2,00,000/- against the said cheque amount and I had also received the same towards full and final settlement for the amount payable by the petitioner herein.

Hence, it is just and necessary that this Hon'ble Court may be pleased to record the compromise entered into between the petitioner and the respondent towards cheque which are the subject matter of the criminal revision before this court."

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

9.In the light of compromise entered into between the parties, this Criminal Revision is disposed of. The revision petitioner/accused is directed to be released forthwith, unless his



detention is required in connection with any other case. The Joint Compromise Memo, dated 30.12.2019 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.
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To

- 1.The Judicial Magistrate No.I
(Fast Track Court at Magisterial Level),
Madurai.
- 2.The 6th Additional District and Sessions Judge,
Madurai.
- 3.The Superintendent,
Central Prison,
Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-106532[F] dated 30/12/2019)

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KK/SAR/30.12.2019/3P-5C/