



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.02.2020
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI
Crl.R.C(MD)No.746 of 2019

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and
Crl.MP(MD)Nos.1340 and 1341 of 2020

1.A.Guhanandan @ A.Guhandham
2.A.K.Perumal @ A.Kaliyaperumal

: Revision Petitioners/
Appellants/Accused

Vs.

B.Shanmugaraja

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order in C.A.No.55 of 2018 passed by the Sessions Judge, Tiruchirappalli Division, Tiruchirappalli, dated 13.12.2018, confirming the conviction and sentence passed by the Judicial Magistrate No.IV, Tiruchirappalli, in STC No.2088 of 2010, dated 26.04.2018.

For Petitioners : Mr.M.Kannan

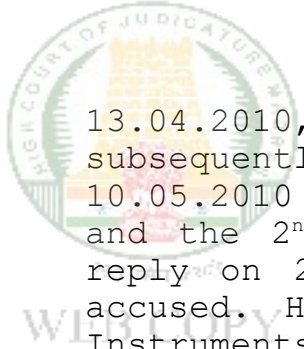
For Respondent : Mr.S.T.Gopinnath

J U D G M E N T

This criminal revision is directed against the order in C.A.No.55 of 2018 passed by the Sessions Judge, Tiruchirappalli Division, Tiruchirappalli, dated 13.12.2018, confirming the conviction and sentence passed by the Judicial Magistrate No.IV, Tiruchirappalli, in STC No.2088 of 2010, dated 26.04.2018.

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

The complainant and A1 were Advisors at TATA A/G Insurance and they were acquainted with each other and due to repeated instigation of both accused, the complainant gave payment of Rs.1,50,000/- at M/s.River Bank Financial through State Bank of India, Woraiyur Branch through cheque bearing No.836418 for a sum of Rs.50,000/- and cheque bearing No.836419 for a sum of Rs.1,00,000/-, dated 27.08.2009 for the purpose of investing into M/s.PAAZEE Marketing Forex Trading 'I' Pvt Ltd., Tirupur, but contrary to the agreement, the complainant invested the amount fraudulently into the business owned by the accused in the name and style of M/s.River Bank Financial, instead of M/s.PAAZEE Marketing Forex Trading (1) Pvt. Limited. The accused totally issued six cheques for the amount received and when the same were presented for collection on



13.04.2010, they were dishonoured as "Insufficient Funds" and subsequently, in this regard, the complainant sent a legal notice on 10.05.2010 to the accused persons and the 1st accused avoided service and the 2nd accused received the notice on 12.05.2010 and sent a reply on 25.05.2010 for himself as well as on behalf of the 1st accused. Hence, a complaint under Section 138 of the Negotiable Instruments Act (in short "The Act") was filed.

3.The trial court convicted and sentenced both the accused to undergo simple imprisonment for two years and imposing compensation of Rs.2,16,500/-. Feeling aggrieved by the said order, appeal was preferred before the Principal Sessions Judge, Tiruchirappalli. 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 24.02.2020, when the matter is taken up for hearing, the revision petitioners 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 20.02.2020 has also been filed by the parties, which would run thus:-

"1.The revision petitioners/accused submit that they stand charged for an offence under section 138 of NI Act. There is a compromise between the parties on 19.02.2020 as per the compromise Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) paid by the revision petitioners to the respondent herein vide Demand Draft No.187892 dated 19.02.2020 of SBI Bank, Rock Fort Branch, Trichy through this Memo."

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 petitioners be acquitted of the charge(s) convicted against them.

6.The criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 20.02.2020 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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Encl: Xerox copy of Joint Compromise Memo

To,

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1.The Judicial Magistrate No.IV,
Trichy.

2.The Principal Sessions Judge,
Trichy.

+2 CC to Mr.M.KANNAN, Advocate (SR-8167[F] dated 25/02/2020)

Judgment made in
Cr1.R.C (MD) No.746 of 2019
24.02.2020

VB(13.03.2020) 3P 5C