



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.03.2020

CORAM

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

Crl.RC(MD)No.225 of 2018

and

Crl.MP(MD)Nos.2941 and 2942 of 2018

A.Ronald : Petitioner/Appellant/Accused

Vs.

A.Ramasubbu : Respondent/Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Criminal Procedure Code against the judgment, dated 06.11.2017 passed by the II Additional District and Sessions Judge, Thoothukudi, in Crl.A.No.65 of 2016, confirming the judgment of the Fast Track Court, Magisterial Level, Thoothukudi, passed in C.C.No.170 of 2015, dated 14.12.2016.

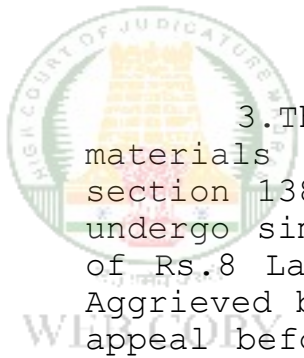
For Petitioner : Mr.R.Vijayakumar

For respondent : M/s.A.Ramasubbu

J U D G M E N T

This criminal revision is directed against the judgment, dated 06.11.2017 passed by the II Additional District and Sessions Judge, Thoothukudi, in Crl.A.No.65 of 2016, confirming the judgment of the Fast Track Court, Magisterial Level, Thoothukudi, passed in C.C.No.170 of 2015, dated 14.12.2016.

2.The short facts of the case is that the complainant and the accused were well known to each and in the month of March 2015 and April 2015, the accused borrowed a sum of Rs.8,00,000/- from the complainant on various occasions for the business development and on 04.05.2015, for discharging the above said debt and liability, the accused had issued a post-dated cheque bearing No.259354, dated 11.05.2015 drawn on Tamil Nadu Mercantile Bank, Tuticorin and on 12.05.2015, when the cheque was presented for collection by the complainant through his banker ICICI Bank, Thoothukudi, it was dishonoured for the reason "Insufficient Funds" and thereafter, the complainant issued a notice dated 09.06.2015 calling upon the accused to pay the cheque amount, which was received by the accused on 11.06.2015. After receiving the notice, the accused neither send any reply nor paid the cheque amount. Hence, the case.



3.The trial court, after proper appreciation of the entire materials available on record, found the accused guilty under section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a compensation of Rs.8 Lakhs, in default to undergo 1 month simple imprisonment. 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 findings of the trial court. Against which, the petitioner/accused is before this court.

4.This case was referred to the Mediation and Conciliation Centre, attached to this Bench, by order, dated 19.06.2018. It is seen from the records that on 17.07.2018, both the petitioner and the respondent present before the Mediation and Conciliation Centre, attached to this Bench and they have entered to a settlement agreement, which would run thus:-

"6.The following settlement has been arrived between the parties hereto:-

(A)The Petitioner agreed to pay Rs.8,00,000/- (Rupees eight lakhs only).

(B)The Respondent agreed to receive Rs.8,00,000/- (Rupees Eight lakhs only)

(C)The Amount of Rs.8,00,000/- (Rupees Eight Lakhs only) paid by the petitioner to the respondent on 17.07.2018 before the petitioner counsel and settlement arrived."

5.Keeping in view of the above facts and the matter has already been amicably settled between the parties before the Mediation and Conciliation Centre, attached to this Bench, 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 courts below is set aside.

6.The criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties before the Mediation and Conciliation Centre attached to this Bench. The Settlement Agreement, dated 17.07.2018 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

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/ /2020
Sub Assistant Registrar



To,

1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TUTICORIN.

2.THE JUDGE,
FAST TRACK COURT, MAGISTERIAL LEVEL,
TUTICORIN.

3 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.R.Vijayakumar, Advocate SR.No. 10427

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06.03.2020

er

JM/14.05.2020/3P/5C