



BAIL SLIP

The Appellant/ Accused name V.Chinnappa, S/O Venkatachalam was directed to be released on bail as per order of the court dated 30-09-2015 and made in MP(MD) No.1 of 2015 in Cr1.RC.(MD) No. 450 of 2015 on the file of the court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.02.2020

CORAM

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

Cr1.RC(MD)No.450 of 2015

V.Chinnappa ...Petitioner/Appellant/Accused
Vs.
P.Vinotha ...Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397(1) r/w 401 of the Criminal Procedure Code against the judgment of the Additional District and Sessions Judge (Special Judge for EC Act Cases), Thanjavur, passed in Cr1.A No.64of 2014, dated 31.07.2015, confirming the conviction and sentence imposed upon the petitioner in STC No.109 of 2011, dated 01.10.2014 by the Judicial Magistrate/Fast Track Court, Thanjavur.

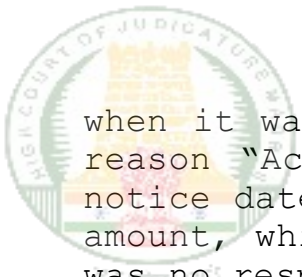
For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : Mr.P.Vadivel

J U D G M E N T

This criminal revision is directed against the judgment of the Additional District and Sessions Judge (Special Judge for EC Act Cases), Thanjavur, passed in Cr1.A No.64of 2014, dated 31.07.2015, confirming the conviction and sentence imposed upon the petitioner in STC No.109 of 2011, dated 01.10.2014 by the Judicial Magistrate/Fast Track Court, Thanjavur.

2.The short facts of the case is that the complainant and the accused were friends and the accused has approached the complainant and borrowed a sum of Rs.5,00,000/- for developing the business and for that, the accused has issued a cheque No.882927 issued to ~~Central Bank~~ Federal Bank, Thanjavur Branch, dated 15.05.2010 and



when it was presented for collection, it was dishonoured for the reason "Account Closed" and thereafter, the complainant issued a notice dated 07.07.2010 calling upon the accused to pay the cheque amount, which was received by the accused on 08.07.2010, but there was no response. Hence, the case.

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3.The trial court, after proper appreciation of the entire materials on record, had 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.3,50,000/- to the complainant, in default to undergo 3 months SI. 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 revision petitioner is before this court.

4.When the matter is taken up for hearing on 17.02.2020, 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 now the dispute between the parties has been settled amicably and the respondent has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 17.02.2020 has also been filed by the parties to that effect, which would run thus:-

"2.It is submitted that as against the said conviction and sentence, the petitioner had preferred Cr1.RC(MD)No.450 of 2015 before this Hon'ble Court and this Court vide order, dated 30.09.2015 while suspending the sentence in MP(MD)No.1 of 2015 had directed the petitioner to make a deposit of Rs.1,00,000/- before the trial court within a period of 4 weeks from the date of receipt of the copy of the order, which the petitioner has duly complied with. It is submitted that the fact remains that the petitioner had paid a sum of Rs.1,15,000/- during trial, which is admitted by the respondent herein. It is submitted that of the balance amount a sum of Rs.2,50,000/- is paid vide Demand Draft No.965346 drawn on Indian Bank, Thanjavur, dated 15.02.2020 in favour of the respondent herein.

3.It is submitted that the cheque amount happens to be Rs.5,00,000/- of which in sum of Rs.1,50,000/- has been paid during trial and Rs.1,00,000/- is lying as deposit before the trial court. It is submitted that the petitioner has no objection in permitting the respondent to withdraw a



sum of Rs.1,00,000/- lying in the deposit of the trial court. It is submitted that the offence u/s138 of N.I. Act is compoundable and at present as the entire cheque amount has been paid, the parties may be permitted to compound the offence."

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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 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 17.02.2020 shall form part of the order. The respondent/complainant is permitted to withdraw a sum of Rs.1,00,000/-, lying in the credit of STC No.109 of 2011 on the file of the Judicial Magistrate/Fast Track Court, Thajavur.

sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar()

TO,

1. The Judicial Magistrate,
(Fast Track Court),
Thanjavur.
2. The Additional District and Sessions Judge,
(Special Judge for EC Act cases),
Thanjavur.

Copy to The Section officer,
Criminal section,
Madurai bench of Madras High court,
Madurai.(2 copies)

+1 CC to M/s.P.VADIVEL, Advocate (SR-7376[F] dated 20/02/2020)
+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-7188[F] dated
19/02/2020)

Order made in
Cr1.RC(MD)No.450 of 2015
19.02.2020