

Bail Slip

The appellant/Accused namely D.Jeyakumar was released on bail as per order of this Court, dated 15.10.2015 and made in MP(MD)No.1 of 2015 in Crl.RC(MD)No.506 of 2015 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.01.2020

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.506 of 2015

and

Crl.MP(MD)No.2 of 2015

D.Jeyakumar
Proprietor of New Dharmaraj Stores,
Ottanchatram,
Dindigul District. : Revision Petitioner/Appellant/Accused

Vs.

L.Periysamy : Respondent/Respondent/ Complainant

Prayer: Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, against the judgment, dated 04.02.2015 made in C.A.No.1 of 2013 on the file of the Additional District and Sessions Judge, Dindigul, confirming the judgment, dated 18.12.2012, made in C.C.No.149 of 2011 on the file of the Fast Track Court (Judicial Magistrate), Palani.

For Revision Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates
For Respondent : Mr.S.Anwar Sameem

J U D G M E N T

This criminal revision is directed against the judgment, dated 04.02.2015 made in C.A.No.1 of 2013 on the file of the Additional District and Sessions Judge, Dindigul, confirming the judgment, dated 18.12.2012, made in C.C.No.149 of 2011 on the file of the Fast Track Court (Judicial Magistrate), Palani.

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

On 28.11.2004, the accused borrowed a sum of Rs.5,00,000/- from the complainant for his business needs and also for discharging sundry debts and agreed to repay the entire amount on demand and



for that, issued a post-dated cheque bearing No.483059, dated 28.01.2005 drawn in favour of the complainant on Indian Overseas Bank, Oddanchatram Branch and on 29.01.2005, when the said cheque was presented for collection through Canara Bank, Madathukulam Branch, it was returned on 05.02.2005 with endorsement as "Exceeds arrangements". Again at the request of the accused, the complainant presented the cheque in the third week of April 2015 through the Canara Bank, Madathukulam Branch on 21.04.2005, but this time also the said cheque was returned with memo on 07.05.2005 with endorsement as "Exceeds Arrangement". Hence, the complainant issued legal notice dated 11.05.2005 calling upon the accused to pay the cheque amount with 12% interest within 15 days of time and thereafter, there is no response from the accused. Therefore, 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 18.12.2012, learned Fast Track Court (Judicial Magistrate), Palani, convicted the accused and sentenced him to undergo 3 months simple imprisonment and to pay a compensation of Rs.5 Lakhs towards cheque amount, failing which the accused shall undergo further period of one month simple imprisonment. Feeling aggrieved by the said order, appeal was preferred before the Additional District and Sessions Judge, Dindigul. The first appellate court also confirmed the findings of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.On 07.01.2020, when the matter is taken up for hearing, the revision petitioner/accused and the respondent/complainant 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/complainant has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 20.12.2019 has also been filed by the parties to that effect, which would run thus:-

"Both the parties have been already amicably settled the matter and thereby entered a Memorandum of Compromise, dated 25.11.2019. As per the compromise deed total amount was fixed as Rs.5,00,000/- (Rupees Five Lakhs only). The petitioner namely D.Jeyakumar has already paid a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on 25.11.2019. Further the balance amount will be paid on or before 20.12.2019. As per the said terms of compromise, today (20.12.2019), the petitioner is paying a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) by way of three demand drafts and remaining by way of



cash. The details are as follows:-

- 1.18.12.2019 - Rs.75,000/- IDBI Bank, Tuticorin.
- 2.18.12.2019 - Rs.70,000/- Karur Vysya Bank, Tuticorin.
- 3.19.12.2019 - Rs.72,000/- TMB Bank, Ottanchatiram.
- 4.Cash of Rs.33,000/- (Rupees Three thousand only)

The respondent has received the above three Demand Drafts and also a cash of Rs.33,000/ (Rupees Thirty Three Thousand only). The balance amount of Rs.1,00,000/- was already deposited before the Learned Judicial Magistrate FTC, Palani, in C.C.No.149 of 2011. The petitioner has no objection to withdraw the said amount by the respondent. There is no further claim in respects of the cheque involved in the above said case. The respondent has no objection to acquit the petitioner for the offences under Section 138 of Negotiable Instruments Act, 1881."

5.Keeping in view of the above facts, 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 20.12.2019 shall form part of the order. The respondent is entitled to get the amount of Rs.1,00,000/-, which was already deposited in C.C.No.149 of 2011 on the file of the Judicial Magistrate, FTC, Palani. Consequently, connected Miscellaneous Petition is closed.

Sd/-

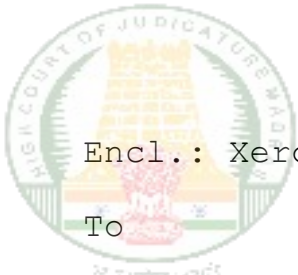
Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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Encl.: Xerox Copy of Joint Compromise Memo

To

1.The Additional District and Sessions Judge,
Dindigul.

2.The Fast Track Court (Judicial Magistrate),
Palani.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1033[F] dated
09/01/2020)

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-888[F] dated
08/01/2020)

Judgment made in
CrI.R.C (MD) No.506 of 2015
08.01.2020

MK (27.01.2020) 4P 6C