



BAIL SLIP

The Revision Petitioner/Accused Ashik Ali, S/o. Syed Ahamed Was released on bail on the file of this Honble Court in MP(MD)No.1 of 2015 ion Crl. RC(MD)No.538 of 2015 on 09.06.2016.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.R.C. (MD)No.538 of 2015

Ashik Ali ... Petitioner/Accused

versus

Muralidaran ... Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. against the Judgment dated 23.09.2015 made in C.A.No.62 of 2012 on the file of the Principal District Sessions Judge, convicted the petitioner to undergo 3 months Simple Imprisonment and a fine of Rs.5000/- in default to undergo one month Simple Imprisonment for the offence punishable under Section 138 of Negotiable Instruments Act confirming the judgment dated 03.02.2012 in S.T.C.No.1913 of 2008 on the file of the Judicial Magistrate Sivakasi and to set aside the same.

For Petitioner : Mr.R.Rajamohan
for M/s.Dhana Law Associates

For Respondent : Mr.R.Gandhi

ORDER

The petitioner is the accused in S.T.C.No.1913 of 2008 on the file of the learned Judicial Magistrate, Sivakasi. The respondent herein is the complainant.

2. Originally, the petitioner/accused borrowed a sum of Rs.63,000/- from the complainant/respondent for his business improvement and issued a cheque for a sum of Rs.63,000/- dated

22.02.2008 payable at Canara Bank, Sattur, for discharge of his loan. The complainant presented the said cheque on 06.03.2008, but, the same was returned as "insufficient funds". Therefore, the complainant, after following the statutory requirements under Negotiable Instruments Act, filed a complaint as against the petitioner before the learned Judicial Magistrate, Sivakasi. On 03.02.2012, the learned Judicial Magistrate, Sivakasi, after enquiry, found the petitioner/accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and convicted and sentenced him to undergo simple imprisonment for three months and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month. Aggrieved over the same, an appeal in C.A.No.62 of 2012 was preferred by the accused before the learned Principal Sessions Judge, Srivilliputhur. The Appellate Court, by Judgment dated 23.09.2015, dismissed the appeal, confirming the conviction and sentence imposed by the Trial Court. Challenging the same, the present Criminal Revision Case has been filed by the accused.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that on the earnest efforts taken by him, the petitioner has settled the dispute amicably with the complainant; as per the terms of the settlement, the revision petitioner has agreed to settle a sum of Rs.1,00,000/- as full and final settlement for the cheque amount of Rs.63,000/-, which is also agreed by the respondent; the petitioner, on 25.07.2020, has transferred a sum of Rs.80,000/- to the respondent's account No.20290492782, SBI, Sivakasi Town Branch and he also transferred the remaining amount of Rs.20,000/- to his account on 26.07.2020. Hence, the learned counsel appearing for the petitioner prayed for compounding the offence imposed against the petitioner. It is further submitted that in view of the present situation, the petitioner is not in a position to file a petition under Section 147 of the Negotiable Instruments Act for compounding the offence. Therefore, a memo dated 27.07.2020 has also been filed to that effect.

4.The learned counsel appearing for the respondent/complainant also admitted the fact that the matter has been settled between the parties and the amount was also settled by the petitioner to the respondent/complainant. Learned counsel has also agreed for compounding the offence.

5. Recording the memo dated 27.07.2020 filed by the petitioner to the effect that a sum of Rs.1,00,000/-, which is agreed by the respondent, has been settled by the petitioner, the offence levelled against him is compounded under Section 147 of the Negotiable Instruments Act.

6. Accordingly, this Criminal Revision Case is allowed and the conviction and sentence imposed on the petitioner by the Courts



below is hereby set aside and the petitioner/accused is acquitted from the charge levelled against him.

Sd/-

Assistant Registrar (AS)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.
2. The Judicial Magistrate,
Sivakasi.
3. Do- Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

Copy to

The Section Officer, Criminal Records,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-13276[F] dated 28/07/2020)

Crl.R.C. (MD) No.538 of 2015
28.07.2020

VB (12.08.2020) 3P 7C