



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.R.C.(MD)No.238 of 2016

V.Murugesan

.. Revision Petitioner/Accused

Vs.

K.Palanisamy

.. Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 05.03.2016 passed in C.A.No.84 of 2015 on the file of the Mahalir Neethimandram cum Fast Track Mahila Court, Karur.

For Revision Petitioner : Mr.V.Balaji

For Respondent : Mr.N.Shanmuga Selvam

ORDER

The revision petitioner herein is the accused in C.C.No.88 of 2014 on the file of the learned Judicial Magistrate cum Fast Track Court at Magisterial Level, Karur. He was charged for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court, by its Judgment dated 27.10.2015, after considering the oral and documentary evidence, found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo two months simple imprisonment and to pay a fine of Rs.1,500/-, in default, to undergo 15 days simple imprisonment, against which, the accused preferred appeal in C.A.No.84 of 2015 before the Sessions Court, Mahalir Neethimandram (Fast Track Mahila Court), Karur. The Appellate Court, by its Judgment dated 05.03.2016, confirmed the conviction of the trial Court, however, modified the sentence alone from two months simple imprisonment to one month simple imprisonment. Aggrieved over the same, the accused has preferred this Criminal Revision Case.

2. Today, when the matter is taken up for hearing, the respective counsel appearing for the revision petitioner/accused and the respondent submitted that the matter has been settled and the parties have arrived at a compromise and they have also filed a Joint Compromise Memo as per section 147 of the Negotiable Instruments Act, wherein, both the parties and their respective counsel have also signed.

<https://hcservices.courts.gov.in/hcservices>



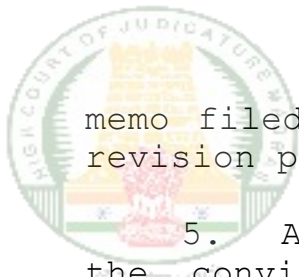
3. The terms of joint compromise memo are extracted here under:

"1. It respectfully submitted that the respondent herein has filed a private complaint under Section 138 of the N.I.Act before the learned Judicial Magistrate cum Fast Track Court at Ministerial Level, Karur for failure to pay the amount of Rs.1,00,000/- covered under cheque dated 28.06.2013. The learned Magistrate vide Judgment dated 27.10.2015 in C.C.No.88/2014 has convicted the petitioner to undergo two months simple imprisonment and to pay a fine of Rs.1500/-. As against which, the petitioner preferred a Criminal Appeal in C.A.No.84/2015 before the learned Mahalir Neethimandram cum Fast Track Mahila Court, Karur. The said appeal was dismissed on 16.12.2005 by modifying the judgment of the trial Court by reducing the imprisonment to one month and by confirming the fine. Aggrieved over the same, the present criminal revision is preferred and pending before the Hon'ble Madurai Bench of Madras High Court in Crl.R.C.(MD)No.238/2016.

2. It is respectfully submitted that during the pendency of the above revision, the matter has been settled between the petitioner and the respondent herein by making a payment of Rs.50,000/- (Rupees Fifty Thousand only) by the petitioner to the respondent herein towards full satisfaction of the petitioner's alleged liability covered under the cheque dated 28.06.2013 bearing number 914477 drawn on Bank of Baroda, Karur Branch at the instance of their well wishers on 25/09/2020. Hence, in the interest of justice, the pending revision petition may be disposed of by recording the compromise memo and by setting aside the conviction and sentence of the learned Judicial Magistrate cum Fast Track Court at Ministerial Level, Karur, made in C.C.No.88/2014 dated 27.10.2015 as confirmed by the learned Mahalir Neethimandram cum Fast Track Mahila Court, Karur, in C.A.No.84/2015 dated 05.03.2016 by acquitting the petitioner and thus render justice.

It is therefore prayed that this Hon'ble Court may be pleased to compound the above offence and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

4. In view of the provision under Section 147 of the Negotiable Instruments Act and in terms of the joint compromise



memo filed by both the parties, the offence levelled against the revision petitioner/accused is compounded.

5. Accordingly, this Criminal Revision Case is allowed and the conviction and sentence imposed as against the revision petitioner/accused are set aside.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

OGY

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 learned Judicial Magistrate
cum Fast Track Court at Magisterial Level,
Karur.
2. The Sessions Judge,
Mahalir Neethimandram
(Fast Track Mahila Court), Karur.

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28.09.2020

SJ(CO)

KM (20.11.2020) 3P 3C