



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.270 of 2017

A.Raja Mohammed

... Petitioner

Vs

Visalakshi Achi

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the learned Sessions Judge, Sivagangai in C.A.No.31 of 2014, dated 09.01.2017 in C.C.No.162 of 2012 passed by the learned Judicial Magistrate (Fast Track Level), Karaikudi, dated 19.06.2014.

For Petitioner

: Mr.S.M.Sanjay

For Respondent

: Mr.J.Sulthan Basha

for M/s.Ajmal Associates

ORDER

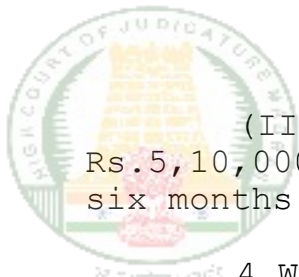
Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

2.The petitioner suffered conviction and sentence for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.162 of 2012 on the file of the Judicial Magistrate (Fast Track Level), Karaikudi. The said Judgment was also confirmed in C.A.No.31 of 2014 on the file of the Sessions Judge, Sivagangai. Challenging the same, this revision case came to be filed.

3.During the pendency of the revision case, the matter was referred to mediation. It was agreed between the parties that the complainant will accept a sum of Rs.9,60,000/- towards full and final settlement. It is stated that the petitioner had already paid a sum of Rs.4,50,000/-. The petitioner has to pay the balance amount of Rs.5,10,000/-. Since the parties had arrived at compromise and the same has been fulfilled to a good extent, I am of the view that even while confirming the conviction, the sentence can be modified as follows:-

(I)The petitioner is directed to deposit the balance amount of Rs.5,10,000/- to the credit of C.C.No.162 of 2012 on the file of the Judicial Magistrate (Fast Track Level), Karaikudi, within a period of three months from the date of receipt of a copy of this order.

(II)It is open to the complainant to withdraw the amount without notice to the petitioner.



(III) If the petitioner fails to deposit the balance amount of Rs.5,10,000/-, the petitioner has to undergo the default sentence of six months simple imprisonment.

4. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /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 Judicial Magistrate (Fast Track Level), Karaikudi.

2. The Sessions Judge, Sivagangai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-24814[F] dated 10/12/2020)

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KG (CO)

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