



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 03.03.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.962 of 2019
and
Cr1.MP(MD)No.2146 of 2020

K.Pitchai : Petitioner/Respondent/
Respondent

Vs.

R.Chandra Prakash : Respondent/Appellant/
Complainant

Prayer: Criminal Revision filed under section 374 of the Criminal Procedure Code, against the order, dated 18.11.2019 passed in Criminal Appeal No.94 of 2017 by the Principal District and Sessions Judge, Virudhunagar at Srivilliputhur, cancelling the order of acquittal, dated 03.05.2017 passed in STC No.735 of 2016 by the Judicial Magistrate, Sivakasi and acquit the revision petitioner.

For Petitioner : Mr.T.Thirumurugan

For Respondent : Mr.K.Baalasundharam

J U D G M E N T

This criminal revision is directed against the order, dated 18.11.2019 passed in Criminal Appeal No.94 of 2017 by the Principal District and Sessions Judge, Virudhunagar at Srivilliputhur, cancelling the order of acquittal, dated 03.05.2017 passed in STC No.735 of 2016 by the Judicial Magistrate, Sivakasi.

2.The short facts of the case is that the petitioner/accused has received a sum of Rs.25,00,000/- from the respondent/complainant as advance in order to purchase the land and issued a cheque bearing No.211673, dated 09.11.2009 and when the same was presented on 09.11.2009, it was returned on 11.11.2009 with the endorsement of **Funds Insufficient** and subsequently, the complainant sent a legal notice on 23.11.2009 to the accused and after receipt of the same, he has not chosen to sent any reply. Hence, the case.



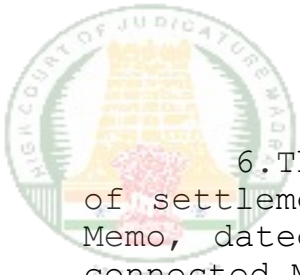
3. The trial court, after proper appreciation of the entire materials available on record, found the accused not guilty under section 138 of the Negotiable Instruments Act and acquitted him from the charge levelled against him. Aggrieved by the judgment of the trial court, the complainant preferred appeal before the first appellate court. The first appellate court reversed the findings of the trial court and convicted the accused and sentenced him to undergo simple imprisonment for one year and also ordered to pay the cheque amount of Rs.12,25,000/- within a period of six months as compensation and in default to undergo three months simple imprisonment. Against which, the petitioner/accused is before this court.

4. When the matter is taken up for hearing on 28.02.2020, the 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 has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 24.02.2020 has been filed by the parties to that effect, which would run thus:-

"(4) It is submitted that the appellate court was convicted the petitioner on 18.11.2019 but within two months the dispute between the petitioner and the respondent was settled amicably. Accordingly, the petitioner paid an amount and issue is settled between the parties. The offence on which the petitioner got convicted is a compoundable offence. In view of this fact the conviction and sentence passed by the appellate court may be set aside. The respondent has no objection to set aside the conviction against the petitioner in CrI.A No.94 of 2017 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputtur.

(5) It is submitted that the respondent and the petitioner were entered this compromise without intervene of anybody else. If the petitioner will not allowed, the petitioner would put into irreparable loss and great hardship and it can't be compensated any means."

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 24.02.2020 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

Encl: Xerox copy of Joint Compromise Memo

1. The Judicial Magistrate,
Sivakasi.

2. The Principal District and Sessions Judge,
Virudunagar at Srivilliputtur.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-9815[F] dated
03/03/2020)

Cr1.RC(MD)No.962 of 2019
03.03.2020

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TK/SAR./16.03.2020/3P/4C