



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.04.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.170 of 2021

Vijayakumar : Petitioner/Appellant/Accused

Vs.

1.Anilkumar,

Assistant Business Manager,
Sree Gokulam Chit and Finance Co. (P) Ltd.,
Ramasubramanian Shopping Complex,
Nagercoil,
Kanyakumari District.

: 1st Respondent/Respondent/
Complainant

2.State Represented by

Public Prosecutor,
Nagercoil,
Kanyakumari.

: 2nd Respondent/R2/R2

Prayer: Criminal Revision Petition has been filed under Section 397 and 401(1) of Criminal Procedure Code, against the order passed in Criminal Appeal No.154 of 2004 on the file of the Mahila Fast Track Sessions Court, Nagercoil, Kanyakumari District, dated 03.05.2019, confirming the order passed in C.C No.476 of 2002 by the Judicial Magistrate No.II, Nagercoil, Kanyakumari District, dated 11.06.2004.

For Revision Petitioner : Mr.S.C.Herold Singh

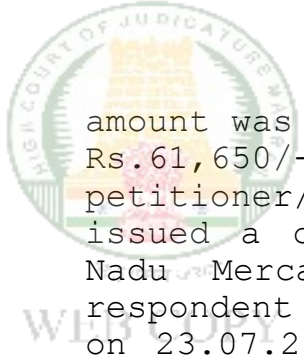
For 1st Respondent : Mr.B.Brijesh Kishore

For 2nd Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)

J U D G M E N T

This Criminal Revision is directed against the order passed in Criminal Appeal No.154 of 2004 on the file of the Mahila Fast Track Sessions Court, Nagercoil, Kanyakumari District, dated 03.05.2019, confirming the order passed in C.C No.476 of 2002 by the Judicial Magistrate No.II, Nagercoil, Kanyakumari District, dated 11.06.2004.

2.The short facts of the case is that the revision petitioner/Accused has subscribed a chit for a sum of Rs.1,00,000/- and the chit was priced by the revision petitioner, thereby the



amount was paid by the 1st respondent Chit Company. However, a sum of Rs.61,650/- has become due and payable by the revision petitioner/Accused and for that, the revision petitioner/Accused issued a cheque for Rs.61,650/-, dated 23.07.2002 drawn on Tamil Nadu Mercantile Bank, Palliyadi Branch in favour of the 1st respondent Chit Company. On presentation of the same for collection, on 23.07.2002 through the South Indian Bank, Nagercoil Branch, it was returned stating Funds Insufficient. The 1st respondent Chit Company issued a notice on 14.08.2002 to the revision petitioner/Accused, which was received by him on 19.08.2002, but however, there is response. As there was no payment from the revision petitioner/Accused, the 1st respondent/complainant filed a complaint before the Judicial Magistrate, on 26.09.2002.

3.The trial Court convicted the revision petitioner/Accused for the offence under section 138 of the Negotiable Instruments Act and sentenced him to undergo 6 months Simple Imprisonment and imposed a fine of Rs.5,000/-, in default to undergo further period of 3 months Simple Imprisonment. Feeling aggrieved by the said order, appeal has been preferred by the revision petitioner/Accused before the Mahila Fast Track Sessions Court, Nagercoil. The first appellate Court had also confirmed the findings of the trial court. Aggrieved over the same, the present criminal revision has been filed.

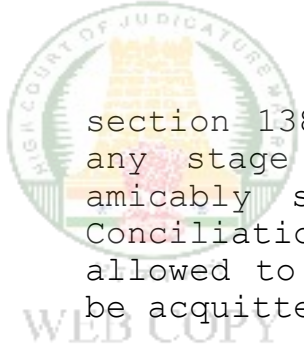
4.On 15.04.2021 when the matter is taken up for hearing, it is submitted by the learned counsel appearing on either side that the dispute between the parties has already been settled amicably before the Mediation and Conciliation Centre, attached to this Bench, on 17.03.2021 and in this regard, a Settlement Agreement was also entered into between the parties, which reads as follows:-

"(A).Both parties appeared before Mediation and Conciliation, on 17.03.2021 and agreed to settle the issue. Accordingly, the petitioner/Accused produced a D.D.No.938953, dated 23.02.2021 for Rs.61,950/- (Rupees Sixty one Thousand Nine hundred and Fifty only) namely the cheque amount.

(B).The Cheque amount which is involved in C.C No.476/2002, dated 11.06.2004 passed by the Learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

(C).The Petitioner/Accused produced the above cheque amount in the way of Demand Draft and the respondent/Complainant received the said Demand Draft and agreed to Compromise the case."

5.Keeping in view of the above fact, since offence under



section 138 of the Negotiable Instruments Act can be compounded at any stage of the proceedings and the matter has already been amicably settled between the parties before the Mediation and Conciliation, attached to this Bench on 17.03.2021, the parties are allowed to compound the offence and the revision petitioner/Accused be acquitted of the charge convicted against him.

6.The Criminal Revision Petition is accordingly **disposed of** in terms of settlement arrived at between the parties before the Mediation and Conciliation Centre, attached to this Bench, on 17.03.2021. The Settlement Agreement, dated 17.03.2021 entered into between the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

er
To,

1.The Fast Track Mahila Sessions Judge,
Nagercoil.

2.The Judicial Magistrate No.II,
Nagercoil.

3.The Government Adovacate(Crl.Side)
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16154[F] dated 17/04/2021)

Judgment made in
Crl.R.C(MD)No.170 of 2021

16.04.2021