



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.590 of 2020

and

Crl.MP(MD)No.5266 of 2021

WEB COPY

A.Saravanan

: Revision Petitioner/Appellant/
Accused

Vs.

Pitchai

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397 and 401 of the Criminal Procedure Code, against the order passed in CA No.104 of 2018, dated 22.06.2020 by the Principal District Sessions Judge, Sivagangai, confirming the order of the Fast Track Judicial Magistrate, Karaikudi, in CC No.211 of 2017, dated 14.08.2018.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.M.Shakul Hameed

J U D G M E N T

This Criminal Revision is directed against the order passed in CA No.104 of 2018, dated 22.06.2020 by the Principal District Sessions Judge, Sivagangai, confirming the order of the Fast Track Judicial Magistrate, Karaikudi, in CC No.211 of 2017, dated 14.08.2018.

2.The short facts of the case is that the accused had borrowed Rs.60,000/- each on 22.02.2017 and 02.03.2017 to meet his domestic needs and also for his business requirements and for that, the accused issued a post-dated cheque bearing No.00107 for Rs.60,000/- and cheque bearing No.019347 for Rs.50,000/- and when they were presented for collection, they were dishonoured for the reason "Insufficient Funds" and thereafter, the complainant issued a notice, dated 02.08.2017 calling upon the accused to pay the alleged cheques amount, which was received by the accused, but there is no response. Hence, the case.

3.The trial court, after proper appreciation of the entire materials available on record, found the accused guilty under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months, besides being directed to pay compensation of Rs.1,25,000/-, in default of payment of which, he has been directed to undergo simple imprisonment for a further period of three months. Aggrieved by the



judgment of the trial court, the accused preferred appeal before the first appellate court. The first appellate court dismissed the appeal. Against which, the petitioner/accused is before this court.

4. When the matter is taken up for hearing on 03.08.2021, the petitioner and the respondent along with their respective counsel appeared through Video Call. 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 24.07.2021 has been filed by the parties to that effect. The Joint Compromise Memo, dated 24.07.2021 would run thus:-

"It is submitted that both the revision petitioner and the respondent are willing to compromise in the above said criminal revision petition by paying a sum of Rs.60,000/- (Rupees Sixty Thousand only) in cash to the respondent counsel and no objection endorsement made by the counsel for the revision petitioner to withdraw a sum of Rs.50,000/- deposited by the revision petitioner before the Hon'ble Judicial Magistrate (Fast Track Court), Karaikudi, in CC No.211 of 2017 on 02.01.2021. Thus the revision petitioner has paid a sum of Rs.1,10,000/- totally being the cheque amount to the respondent. In this regard, a joint compromise memo filed before this Hon'ble Court."

5. Keeping in view of the above fact, since offence under Section 138 of the Act can be compoundable 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 imposed 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 24.07.2021 shall form part of the order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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,
Encl.Compromise Memo

1.The Judicial Magistrate,
(Fast Track Court), Karaikudi.

2.The Principal District Sessions Judge,
Sivagangai.

+2 CC to M/s.M.SHAKUL HAMEED, Advocate (SR-25197[F] dated
04/08/2021)

+1 CC to M/s.N.JULIET LATHA, Advocate (SR-25313[F] dated 05/08/2021)

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