



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.RC.NO.474 OF 2020 AND
CRL.MP.NOS.3785 & 3786 OF 2020 AND 5038 OF 2022

Sakthivel

... Petitioner/Appellant/
Accused

vs.

M.Thangaraj

... Respondent/
Respondent/Complainant

PRAYER:

Criminal Revision filed under Sections 397 and 401 of Cr.P.C. against the judgment and conviction dated 29.11.2019 made in CA.No.174 of 2019 on the file of the learned II Additional District and Sessions Judge, Erode confirming the judgment and conviction dated 30.05.2019 made in STC.No.240 of 2018 on the file of the learned Judicial Magistrate (Fast Track Court No.I), Erode.

For Petitioner : Mr.D.Selvaraju

For Respondent : Mr.C.S.Saravanan

ORDER

This Criminal Revision Case has been filed against the judgment and conviction dated 29.11.2019 made in CA.No.174 of 2019 on the file of the learned II Additional District and Sessions Judge, Erode confirming the judgment and conviction dated 30.05.2019 made in STC.No.240 of 2018 on the file of the learned Judicial Magistrate (Fast Track Court No.I), Erode.

2. The revision petitioner herein is the sold accused in the above referred STC No.240 of 2018. The respondent herein



filed the above referred case as against the petitioner alleging that the petitioner herein committed offence under Section 138 of Negotiable Instruments Act (herein after referred to as "the NI Act"). Both the trial Court and the first appellate Court concurrently held that the petitioner herein is found guilty for the offence under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.2,00,000/-, in default to undergo simple imprisonment for a period of two months. Challenging the same, the petitioner/accused is before this Court with this criminal revision.

3. Today when the criminal revision came up for hearing, Mr.C.S.Saravanan, learned counsel takes notice for the respondent. Further, the revision petitioner/accused and the respondent/complainant, were also present before this Court. Both of them have filed a petition in Crl.M.P.No.5038 of 2022 under Section 147 of NI Act, wherein they prayed to compound the offence. Further, along with the said application, they have filed a copy of the Memo of Compromise dated 11.04.2022, through which the dispute having by the petitioner and the respondent, is amicably settled out of Court.

4. In view of the above, as the present offence committed by the revision petitioner/accused under Section 138 of NI Act, is compoundable under Section 147 of the Act, the contents of the Memo of Compromise dated 11.04.2022, was read out to both parties and the same has been agreed by either side as found correct. Accordingly, this Criminal Miscellaneous Petition in Crl.M.P.No.5038 of 2022, is allowed and the offence committed by the petitioner/accused under Section 138 of NI Act, is compounded.

5. Ultimately, in view of the order now passed in Crl.M.P.No.5038 of 2022, this Court is inclined to pass the following orders:-

(i) The judgment of conviction and sentence passed by the Courts below are set aside and the accused is acquitted of the charge under Section 138 of the NI Act.

(ii) The Memo of Compromise dated 11.04.2022 shall form part and parcel of this Order.



6. With the above directions, this Criminal Revision Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

*Xerox copy of Memo of Compromise is enclosed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

To

1. The II Additional District and Sessions Judge,
Erode
2. The Judicial Magistrate (Fast Track Court No.I),
Erode.

Copy To

The Section Officer,
Criminal Section, High Court,
Madras.

+lcc to Mr.D.Selvaraju, Advocate, S.R.No.26479

Cr1.RC.No.474 of 2020

JP II (CO)
PM/19/04/2022