



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.818 of 2019
and Crl.M.P.No.3854 of 2022

M.Kumar

...Petitioner/Accused

versus

M.Ramesh

...Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the judgment dated 30.11.2018 passed in Crl.A.No.28 of 2018 on the file of the learned III Additional Sessions Judge, Salem, confirming the judgment dated 13.02.2018 passed in S.T.C.No.734 of 2014 on the file of the learned Judicial Magistrate No.I, Sankari and allow the above petition.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.B.Singaravelu

O R D E R

This Criminal Revision Case has been filed against the judgment dated 30.11.2018 passed in Crl.A.No.28 of 2018, on the file of the learned III Additional Sessions Judge, Salem, confirming the judgment dated 13.02.2018 passed in S.T.C.No.734 of 2014 on the file of the learned Judicial Magistrate No.I, Sankari.

2. The revision petitioner herein is the sole accused in S.T.C.No.734 of 2014. The respondent/complainant herein filed the above referred case as against the revision petitioner alleging that the petitioner herein has 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



six months and to pay compensation of Rs.4,00,000/- to the complainant under Section 357 of Cr.P.C. Challenging the same, the petitioner/accused is before this Court.

3. Today, when this Criminal Revision Case came up for hearing, both the revision petitioner/accused and the respondent/complainant, were present before this Court along with Identity Cards (Aadhar Cards). Both of them have filed a petition in CrI.M.P.No.3854 of 2022 under Section 147 of NI Act, wherein they prayed to compound the offence. Further, along with the said petition, they have filed a copy of the Joint Memo of Compromise dated 21.03.2022, 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 Joint Memo of Compromise dated 21.03.2022, was read out to both parties and the same has been agreed by either side as found correct. Accordingly, this Criminal Miscellaneous Petition in CrI.M.P.No.3854 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 CrI.M.P.No.3854 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 Joint Memo of Compromise dated 21.03.2022 shall form part and parcel of this Order.

6. With the above directions, this Criminal Revision Petition stands closed.

*Xerox copy of the Joint Memo of Compromise is enclosed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar



1.The III Additional Sessions Judge,
Salem.

2.The Judicial Magistrate No.I,
Sankari.

+1cc to Mr.R.Ezhilarasan, Advocate SR.No.21272

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RSI (CO)
CB(07/04/2022)