



Crl.R.C.(MD).No.475 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.475 of 2023 and
Crl.M.P(MD).Nos.6965 and 6969 of 2023

G.K.Dwaragan

... Petitioner

Vs.

S.Jegadeesan

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the order of the Judgment made in STC.No.203 of 2014 on the file of the learned Judicial Magistrate No.I (Fast Track Court, Magisterial Level) Madurai, dated 06.09.2019 which is confirmed in C.A.No.118 of 2019, dated 20.03.2020 on the file of the learned VI Additional Sessions Court, Madurai and set aside the same and allow this revision.

For Petitioner : Mr.K. Krishna

For respondent : Mr. M. Balakrishnan

ORDER

The respondent filed STC.No.203 of 2014 on the file of the learned Judicial Magistrate No.I (Fast Track Court, Magisterial Level) Madurai, to take action against the petitioner under Section 138 of Negotiable Instruments Act. The respondent stated in the compliant



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that the petitioner gave a cheque, dated 14.11.2013 for debt incurred by the petitioner and the same was presented before the complainant Bank and the same was returned for “in-sufficient funds”. Hence, he has issued notice dated 30.12.2013. Since there was no response, he filed the said complaint in STC.No.203 of 2014, on the file of the learned Judicial Magistrate No.I (Fast Track Court, Magisterial Level) Madurai. The learned Trial Judge after considering the evidence convicted the petitioner by the Judgment, dated 06.09.2003. Against which appeal was filed in C.A.No.118 of 2019 and the same was confirmed by the learned Appellate Judge in C.A.No.118 of 2019 vide order, dated 20.03.2020 on the file of the learned VI Additional Sessions Court, Madurai. Challenging the same, the petitioner / accused filed the present revision before this Court.

2. During the pendency of revision, the matter is settled between the parties and also as per the direction of this Court 5% of the agreed amount deposited by the petitioner before the Legal Services Authority attached with this Bench. Today, the defacto complainant is present and submitted that the matter is settled and hence, he has no objection to compound the offence.



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3. In view of the above compromise and the parties are also appeared before this Court and affirmed the terms of the compromise, this Court is inclined to order the compounding of offence under Section 147 of NI Act and 320 Cr.P.C. Terms of compromise memo as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal, Revisional Jurisdiction)
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...Petitioner/Appellant/Accused

S. Jaganathan,
S/o. K. Subramanian,
Proprietor Andhra Durban Corporation
Door No. 4, Pandia Vinayagam Kovil Street,
South Madurai Street, Madurai - 1.

...Respondent/Respondent/Complainant

JOINT COMPROMISE PETITION

1. The above Criminal Revision was filed against the Order of conviction made in S.T.C. No. 205 of 2014, on the file of Judicial Magistrate No. 1 (Fast Track Court Magisterial level, Madurai), whereby the appellant herein, was convicted for the offence under Section 138 of Negotiable Instrument Act and the appellant was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.5000/- in default to further undergo simple imprisonment for one month. The sentence was confirmed in appeal C.A.No.118 of 2019 on the file of VI Additional Sessions Court, Madurai Dated 20.03.2023.

2. The fact of the case being the appellant was getting hand loan from the respondent who is a financier. Both the parties were known to each other and a hand loan was not repaid and a cheque of Rs.50,000/- was dishonoured due to funds insufficient. The respondent instituted a summary trial case in S.T.C. No. 205 of 2014 and the same was ordered to conviction and appellant court confirmed the same.

[Signatures]



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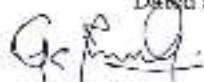
3. The Counsel for the petitioner as well as the learned counsel for the respondent submitted that the matter has already been settled between the parties and this Hon'ble Court directed the petitioner to deposit 5% of agreed amount before the Legal Services Authority attached to this Bench. Upon payment of the same, this Hon'ble court accepted and recorded the same and ordered to file the joint compromise memo and posted the matter on 29.06.2023

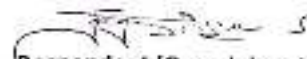
4. The appellant and the respondent herein had come forward for amicable settlement by way of joint compromise memo and Rs.50,000/- was paid by the appellant to the respondent by way of cash and it was accepted by the respondent.

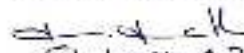
5. The appellant and respondent have come together to compromise this criminal revision petition and record this joint compromise MEMO as part and parcel of this petition.

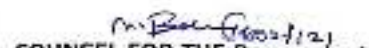
It is therefore prayed that this Hon'ble court may be Pleased to set aside the order of Judgement made in S.T.C.No 203 of 2014 on the file Of Learned Judicial Magistrate No 1 (Past Track Court, Magisterial level) Madurai, dated 06.09.2019 which is confirmed in C.A. no 118 of 2019 dated 30.03.2020 on the file of learned VI Additional Sessions Court, Madurai and set aside the same based on the amicable settlement by way of this compromise petition between the petitioner and the complainant and pass such further or other orders as it may deem fit and proper in the circumstances of the case and thus render justice .

Dated at Madurai on this 30th Day of June 2023


Appellant / Accused


Respondent / Complainant


COUNSEL FOR THE
Appellant / Accused
2300/2015
9843088299


COUNSEL FOR THE Respondent
/ Complainant

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4. Since the offence are compoundable offence and more particularly as per the direction of this Court, the petitioner has deposited 5% of the amount before Legal Services Authority, this Court allowed this revision in the following terms:

(i) The compromise memo filed by the parties shall form part of this order.

(ii) The conviction and sentence of imprisonment and grant of compensation in STC.No.203 of 2014 on the file of the Judicial Magistrate No.I (Fast Track Court, Magisterial Level) confirmed in C.A.No.118 of 2019, dated 20.03.2020 on the file of the learned VI Additional Sessions Court, Madurai is hereby set aside.

Consequently, the connected Miscellaneous Petitions is closed.

07.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



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To

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1. The learned Judicial Magistrate No.I (Fast Track Court, Magisterial Level) Madurai, dated 06.09.2019
2. VI Additional Sessions Court, Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.R.C(MD).No.475 of 2023 and
Crl.M.P(MD).Nos.6965 and 6969 of 2023

Dated : 07.07.2023