



Crl.R.C.(MD).No.654 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

**Crl.R.C(MD).No.654 of 2023 and
Crl.M.P(MD).Nos.9181 and 9877 of 2023**

Saminathan

... Petitioner

Vs.

Jeyaram

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records and set aside the order in C.A.No.68 of 2016 by Principal Sessions Judge, Trichy, dated 23.02.2018 by confirming the Judgment and conviction made in STC.No.1 of 2016 by the Judicial Magistrate Court, Manaparai, date 22.06.2016.

For Petitioner : Mr. T. Leninkumar

For Respondent : Mr.D. Venkatesh

ORDER

This Criminal Revision Case has been filed to to call for the records and set aside the order in C.A.No.68 of 2016 by Principal



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Sessions Judge, Trichy, dated 23.02.2018 by confirming the Judgment and conviction made in STC.No.1 of 2016 by the Judicial Magistrate Court, Manaparai, date 22.06.2016.

2. The petitioner borrowed a sum of Rs.10,00,000/- from the respondent on 09.08.2015. To discharge the said debt, he issued the cheque, dated 17.11.2015 drawn on the bank State Bank of India, Manaparai. The respondent presented the cheque before his Bank on 02.12.2015 and the same was returned with an endorsement as “in-sufficient funds”. So the respondent issued the legal notice on 09.12.2015. The petitioner received the notice on 10.12.2015 and he did not make any payment. In such circumstances, the respondent filed complaint under Section 138 of NI Act, before the Judicial Magistrate No.II, Manaparai. The learned Judicial Magistrate taken the complaint on file in STC.No.1 of 2016.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure and examined PW.1 and perused the documents Ex.P1 to Ex.P4 and passed the conviction under Section 138 of Negotiable



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Instruments Act to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.10,00,000/- in default to undergo two months Simple Imprisonment u/s.357 Cr.P.C., by the Judgment, dated 22.06.2016.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.68 of 2016 on the file of the Principal Sessions Judge, Trichy. The learned Appellate Judge also confirmed the same. Hence, petitioner preferred this revision before this Court.

5. During the pendency of the above revision, parties entered into a compromise. Today, the parties appeared before this Court and filed a joint compromise memo dated, 10.07.2023, which was duly signed by the parties and their respective counsel.

6. 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.,



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7. Since the offence are compoundable offence and more particularly the petitioner paid the entire amount as agreed between them, this Court is allowed this revision in the following terms:

(i) The Joint Compromise memo filed by the parties, dated 10.07.2023 shall form part of this order.

(ii) The conviction and sentence of imprisonment and grant of compensation in STC.No.1 of 2016 by the Judicial Magistrate Court, Manaparai, date 22.06.2016 confirmed in C.A.No.68 of 2016 on the file of the Principal Sessions Judge, Trichy, is hereby set aside.

Consequently, the connected Miscellaneous Petitions are closed.

18.07.2023

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



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- To
1. The Judicial Magistrate Court, Manaparai.
 2. The Principal Sessions Judge, Trichy.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in

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