



Crl.R.C.(MD) No.193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.193 of 2024

Sankilipandiyan

...Petitioner

Vs.

Vannivinayagamoorathi

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records in Crl.A.No.53 of 2019 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 01.12.2022 confirming the conviction and sentence in S.T.C.No.3050 of 2017 on the file of the learned Judicial Magistrate Court No.1, Sattur, dated 16.04.2018 and set aside the judgments of the Court below and acquit the petitioner.

For Petitioner : Mr.S.Prabha

For Respondent : Mr.D.Ramesh Kumar



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ORDER

This Criminal Revision case has been filed as against the judgment of confirmation of conviction and sentence imposed on the petitioner for offence under Section 138 of the Negotiable Instruments Act.

2. The Trial Court, while convicting the petitioner has sentenced him to undergo one year simple imprisonment and also to pay a fine of Rs. 5,000/- failing which to undergo further one month simple imprisonment. Subsequently, the petitioner preferred an appeal in Crl.A.No.53 of 2019 before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and the appellate Court dismissed the same on 01.12.2022 confirming the judgment of the trial Court.

3. Today, when the matter was taken up for hearing, it is informed by both the learned counsel for the petitioner as well as the respondent that during the pendency of this Criminal Revision case, efforts were taken to settle the dispute between the parties and as a result of



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which, both the petitioner and respondent have amicably resolved their disputes and to that effect, they have filed the joint compromise memo before this Court.

4. On a perusal of the joint compromise memo, particularly at paragraph No.2, it is categorically stated that “*the petitioner's family members had entered into compromise the matter by paying the entire amount to the respondent herein*” and that the respondent has also agreed to withdraw the case as against the petitioner. Today, both the parties have also been appeared in person before this Court.

5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

“147. Offences to be compoundable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable].”

In view of the aforesaid provision, the offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.



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6. In view of the subsequent development, since there is a settlement arrived at between the petitioner and respondent, this Court is inclined to compound the offence and accordingly, the judgement and order passed by both the Courts below convicting and sentencing the petitioner for an offence under Section 138 of the Negotiable Instrument Act is hereby set aside. This Criminal Revision case is disposed of accordingly. The compromise memo is recorded and the same shall form part of this order.

22.02.2024

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

PKN

Note: Issur order copy today i.e., 22.02.2024.



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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

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