



Crl.R.C.(MD)No.502 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.05.2024

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THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Crl.R.C.(MD)No.502 of 2024

and

Crl.M.P.(MD)No.5368 of 2024

M.Palanisamy

.. Revision Petitioner

versus

P.Shanmugasundaram

.. Respondent

Criminal Revision Case filed under Section 397 Cr.P.C. against the Judgment dated 21.10.2019 passed in Criminal Appeal No.60 of 2019 by the learned Additional Sessions Judge, Karur, confirming the conviction and sentence imposed upon the revision petitioner by the Judicial Magistrate (Fast Track), Karur, in C.C.No. 358 of 2016 dated 27.05.2019.

For Revision Petitioner : Mr.K.Suresh

For Respondent : Mr.P.Shanmugasundaram
Party-in-person



ORDER

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The revision petitioner herein is the accused in C.C.No.358 of 2016 on the file of the learned Judicial Magistrate (Fast Track), Karur. He was charged for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court, by its Judgment dated 27.05.2019, after considering the oral and documentary evidence, found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo six months simple imprisonment and also directed him to pay the cheque amount of Rs.14,00,000/- to the complainant on or before 27.06.2019. Aggrieved against the same, the accused preferred appeal in C.A.No.60 of 2019 before the learned Additional Sessions Judge, Karur. The learned Additional Sessions Judge, by Judgment dated 21.10.2019, confirmed the conviction and sentence imposed by the trial Court. Aggrieved over the same, the accused has preferred this Criminal Revision Case.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the revision petitioner/accused submits that



the matter has been settled and the parties have arrived at a compromise. The respondent, who is present before this Court, has also affirmed that they have settled the issue between themselves. A Memo of Compromise dated 21.05.2024 has also been filed before this Court, wherein, both the parties have signed.

3. The terms of compromise memo dated 21.05.2024 are extracted here under:

“1. It is submitted that the respondent has initiated prosecution under Section 138 of Negotiable Instruments Act as against the Revision Petitioner in respect of a dishonour of cheque for Rs.14,00,000/-.

2. Upon conclusion of Trial, the Trial Court has convicted the Revision Petitioner and the same has also been confirmed by the 1st Appellate Court in an appeal preferred by the Revision Petitioner.

3. Though negotiations took place between the Revision Petitioner and the Respondent for a longer period of time, now only the compromise has been materialized. Now the Revision Petitioner has been arrested and confined in Central Prison in connection with the above matter. Now, the Revision Petitioner,



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through his family members, paid the entire cheque amount of Rs.14,00,000/- to the Respondent, which the Respondent also acknowledges.

4. The respondent submits that in view of the settlement of cheque amount, the Respondent expresses his consent to compound the offence as per Section 147 of the NI Act.

5. in view of the settlement between the parties, the conviction and sentence imposed by the Courts below may be set aside.

6. To that effect, this memo is filed.”

4. In view of the provision under Section 147 of the Negotiable Instruments Act and in terms of the compromise memo filed by both the parties, the offence levelled against the revision petitioner/accused is compounded.

5. Accordingly, this Criminal Revision Case is allowed. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charges. The Judgment dated 27.05.2019 passed in C.C.No.358 of 2016 on the



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file of the learned Judicial Magistrate (Fast Track), Karur, confirmed by the Judgment dated 21.10.2019 passed in Criminal Appeal No.60 of 2019 by the learned Additional Sessions Judge, Karur, are set aside. The revision petitioner is directed to be set at liberty forthwith unless his detention/custody is required in connection with any other case/proceedings. The Memo of Compromise dated 21.05.2024 shall form part of this order. Consequently, connected miscellaneous petition is closed.

22.05.2024

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Index : Yes/No.

Internet: Yes/No.

NCC : Yes / No.

Note: Issue order copy today.

To

- 1.The learned Additional Sessions Judge,
Karur.
2. The Judicial Magistrate (Fast Track),
Karur.
3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.



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S.SRIMATHY, J.

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

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