



Crl.R.C(MD).No.1154 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.1154 of 2023

and

Crl.M.P(MD).No.7271 of 2024

V.Shanmuganathan

... Petitioner

Vs.

V.Shanmuga Sundaram

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in C.A.No.20 of 2022 dated 28.06.2023 on the file of the learned IV Additional District Judge, Tirunelveli which confirmed the judgment of conviction and sentence rendered by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli dated 30.03.2022 in S.T.C.No.68 of 2019 and set aside the same by allowing the revision petition.

For Petitioner : Mr.Aayiram k.Selvakumar

For Respondent : Mr.M.P.Senthil



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ORDER

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This Criminal Revision Case has been filed to call for the records in C.A.No.20 of 2022 dated 28.06.2023 on the file of the learned IV Additional District Judge, Tirunelveli which confirmed the judgment of conviction and sentence rendered by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli dated 30.03.2022 in S.T.C.No.68 of 2019 and set aside the same by allowing the revision petition.

2. The petitioner borrowed a sum of Rs.2,65,000/- from the respondent on 03.05.2016. To discharge the said debt, he issued cheque on 03.08.2016 drawn on the Karur Vysya Bank, Tirunelveli Town Branch. The respondent presented the cheque before his Bank and the cheque was returned with an endorsement of “Insufficient Funds”. Therefore, the respondent issued the legal notice on 07.09.2016. The petitioner refused the same on 09.09.2016. In such circumstances, the respondent filed a complaint under Section 138 Cr.P.C., before the learned Special Court For Exclusive Trial of Negotiable Instrument Act, Tirunelveli, and the learned Special Court For Exclusive Trial of Negotiable Instrument Act, Tirunelveli, took the complaint on file in STC.No.68 of 2019.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure, examined P.W.1 and perused the documents Ex.P.1 to Ex.P.5 and passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months Simple Imprisonment and to pay a fine amount of Rs. 2,65,000/- to the respondent as compensation in default, to undergo one month Simple Imprisonment by the Judgment dated 30.03.2022.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.20 of 2022 on the file of the learned IV Additional District Judge, Tirunelveli. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today (29.07.2024), when the matter was taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under :-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Jurisdiction)

Crl.R.C.(MD)No.1154 of 2023

V. Shanmuganathan,
S/o. Vallinayagam,
No.14, North Street,
Sindupondurai,
Tirunelveli District.

... Petitioner

V. ShanmugaSundaram,
S/o. M. Velmurugan,
No.12, MathaMela Street,
Tirunelveli Town,
Tirunelveli District.

Vs.

... Respondent

JOINT COMPROMISE MEMO FILED BY THE PETITIONER
AND RESPONDENT

1. It is submitted that the respondent herein filed the private complaint against the petitioner herein under Section 138 of Negotiable Instruments Act r/w Section 200 of Code of Criminal Procedure in S.T.C.No.68 of 2019 on the file of Learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli.

2. It is submitted that the learned trial court convicted the accused/petitioner herein for the offence under Section 138 of Negotiable Instruments Act by judgment dated 30.03.2022 and sentenced him to undergo a simple imprisonment for a period of six months and further

V. Shanmuganathan
Petitioner

V. ShanmugaSundaram
Respondent



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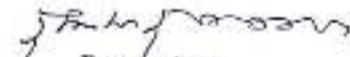
directed him to pay a sum of Rs.2,65,000/- as compensation. Aggrieved over the same, the petitioner herein preferred an appeal in Crl.A.No.20 of 2022 on the file of Learned 4th Additional District Judge, Tirunelveli.

3. It is submitted that the Learned Additional District Judge by judgment dated 28.06.2023 confirmed the order passed by the Learned Trial Court in S.T.C.No.68 of 2019. Aggrieved over the same, the petitioner herein has preferred the above Criminal Revision Case.

4. It is submitted that pending the above criminal revision case, after various rounds of deliberation, the petitioner and the respondent arrived at an amicable settlement and the terms of the settlement as stated as follows:-

- i. The petitioner pays a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in cash to the respondent on 03.07.2024 and the respondent hereby acknowledges the receipt of the same.
- ii. The petitioner hereby agrees that he has no objection for the withdrawal of a sum of Rs.1,06,000/- (Rupees One Lakh six thousand) along with interest accrued, by the respondent, which was deposited by the petitioner to the credit of S.T.C.No.68 of 2019 on the file of Learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli towards the balance amount.


Petitioner


Respondent



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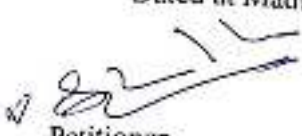
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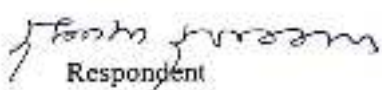
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- iii. The parties have entered into the above compromise on their own volition without any coercion whatsoever.

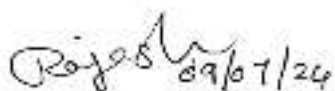
In view of this compromise entered between them, both the petitioner and respondent hereby agrees to dispose the above Criminal Revision Case in Crl.R.C.(MD)No.1154 of 2023 in terms of this joint compromise memo.

Dated at Madurai on this the day of July, 2024.


Petitioner


Respondent


Counsel for Petitioner


Counsel for Respondent



6. The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.



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7. In view of the compromise entered between the parties, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

8. Accordingly, the conviction and sentence imposed by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.68 of 2019 dated 30.03.2022, and confirmed by learned IV Additional District Judge, in Criminal Appeal No.20 of 2022 dated 28.06.2023, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. Consequently, the connected miscellaneous petition is closed.

29.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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- To
- 1.The IV Additional District Court,
Tirunelveli.
 - 2.The learned Special Court for Exclusive Trial of Negotiable
Instrument Act,
Tirunelveli.
 - 3.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

tta/sbn

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