



Crl.R.C.(MD) No.1448 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.1448 of 2023

K.Senthilkumar

...Petitioner

Vs.

M.Prema

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to the judgments of conviction and sentence passed by the Sessions Judge, Karur in C.A.No.97 of 2019 dated 24.11.2021, confirming the judgment of conviction and sentence passed by the Judicial Magistrate Court, Fast Track Court at Magistrate Level, Kulithalai, Karur District in S.T.C.No.66 of 2018 dated 21.08.2019 and set aside the same.

For Petitioner : Mr.V.Karuna

For Respondent : Mr.G.Manikandan



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ORDER

This Criminal Revision case has been filed as against the judgement 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 six months simple imprisonment and in default to undergo one month simple imprisonment and further, to pay a sum of Rs.1,00,000/- as compensation.

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 which, both the petitioner and respondent have filed the joint compromise memo before this Court.



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4. On a perusal of the joint compromise memo, it is made clear that the petitioner has paid the compensation amount of Rs.1,00,000/- to the respondent and the same was received by her on 05.05.2022 and issued the receipt in a written format to that effect. 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.

6. In view of the subsequent development, since there is a full and final 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



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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.

20.02.2024

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

PKN



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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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