



Crl.R.C.(MD) No.1359 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.1359 of 2023

Gunasekaran

...Petitioner

Vs.

Malarkodi

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and set aside the judgment dated 18.07.2023 passed in C.A.No.110 of 2023 on the file of the learned II Additional District Judge, Thanjavur, confirming the conviction and sentence imposed in S.T.C.No.44 of 2020 on the file of the learned Judicial Magistrate, Fast Tract Court at Magistrate Level, Thanjavur dated 22.02.2023 and allow this Criminal Revision Petition.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.K.Esakki



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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 one year simple imprisonment and to pay a fine of Rs. 5,000/- and in default to undergo two months simple imprisonment and further, to pay a sum of Rs.6,00,000/- as compensation.

3. Earlier, this Court, while entertaining this Criminal Revision case, suspended the sentence citing that the petitioner has already deposited 20% of the compensation amount and this conditional order was passed on 06.12.2023.

4. Today, when the matter was taken up for hearing, it is informed by both the learned counsel for the petitioner as well as the



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respondent that during the pendency of this Criminal Revision case, efforts were taken to settle the dispute between the parties and now, the respondent is also ready to withdraw her complaint against the petitioner. Both the parties have also been appeared in person before this Court. They have filed an application to accept the affidavit for compounding the offence charged against the petitioner.

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 the matter has been compromised between the parties, this Court is inclined to compound the offence and accordingly, the judgement and order passed by both the



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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. Consequently, Crl.M.P. (MD) No.1868 of 2024 is ordered.

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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