

Crl.R.C.(MD).No.279 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.279 of 2022

S.Madan ... Revision Petitioner/Appellant/
Accused

Vs.

T.Dhanam ... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the judgment passed by the Sessions Judge Mahila Court, Tiruchirappalli, in Crl.A.No.5 of 2020 dated 14.09.2021 confirming the judgment of conviction and sentence of 6 months Simple Imprisonment and fine of Rs.5,000/- in default one month Simple Imprisonment passed by the learned Judicial Magistrate No.IV, Tiruchirappalli, in STC.No. 1319 of 2013 dated 20.12.2019 and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.S.Sivaram

For Respondent : Party in person.



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ORDER

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This Criminal Revision Case has been filed against the Judgment dated dated 14.09.2021 passed by the Sessions Judge Mahila Court, Tiruchirappalli, in Crl.A.No.5 of 2020 confirming the judgement dated 20.12.2019 passed by the learned Judicial Magistrate No.IV, Tiruchirappalli, in STC.No.1319 of 2013.

2. The petitioner borrowed a sum of Rs.12,00,000/- from the respondent on various occasions. To discharge the said debt, he issued a cheque bearing No. 065522, dated 24.06.2013 drawn on the ICICI bank, Thillainagar Branch. The respondent presented the cheque before his Bank and the same was returned on 24.06.2013 with an endorsement of "Payment Stopped by Drawer". So, the respondent issued the legal notice on 26.07.2013. The petitioner received the notice on 31.07.2013 and he did not make any payment. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate No.IV, Tiruchirappalli. The learned Judicial Magistrate taken the complaint on file in in STC.No.1319 of 2013.



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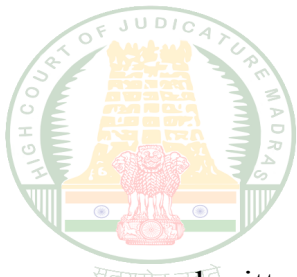
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3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned Trial Judge after following the procedure, examined PW.1 & PW.2 and D.W.1 and perused the documents Ex.A1 to Ex.A7 and passed the conviction under Section 138 of Negotiable Instruments Act, and sentenced him to undergo six months Simple Imprisonment and also directed to pay fine of Rs.5,000/- (Rupees Five Thousand only) in default, to undergo one month Simple Imprisonment vide Judgment dated 20.12.2019.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.5 of 2020 on the file of the Sessions Judge Mahila Court, Tiruchirappalli. The learned Sessions Judge also confirmed the same by order dated 14.09.2021. Hence, the petitioner preferred this revision before this Court.

5. Heard the learned counsel appearing for the petitioner and the respondent, who is appeared party in person.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the respondent, who is appeared party in person



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submitted that the matter is now compromised. They have appeared before the National Lok Adalat Award held on 08.07.2023 and filed the following joint compromise memo:-

HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI
Madurai Bench of Madras High Court, Madurai - 625023

Saturday the 8th day of July 2023
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided Over by
The Honourable Mr. Justice R.VIJAYAKUMAR
and

Members
Mr. JOHN R.D.SANTHOSHAM, District Judge(Retired), and
Mr.A.HAJA MOHIDEEN, Advocate

CRL RC(10) No.279 of 2022
(Revision against the judgment passed on 14/09/2021 in CRLA 51/2020 on the file of the Sessions Judge, Mahilar Court, TIRUCHIRAPPALLI)

S MadanPetitioner
Versus
T DhanamRespondent


This case came up for settlement before the Lok Adalat. Both the parties present. The counsel for the appellant/s Mr.R.S.Sivaram and the respondent Party-in-person are present. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.


AWARD

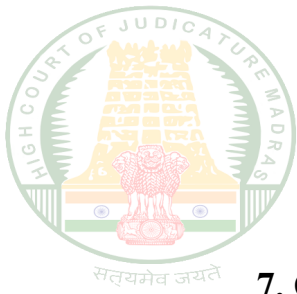
This Criminal Revision Petition has been filed by the accused challenging the order of conviction passed by the Courts below arising under Section 138 of the Negotiable Instrument Act, for dishonor of cheque for the value of Rs.8,00,000/-

2. The parties have entered into a compromise under which, a sum of Rs 7,00,000/- has been received by the respondent /complainant today(08.07.2023). The respondent/complainant in the revision petition agreed to receive a sum of Rs.40,000/- which has been deposited by the revision petitioner before the learned Judicial Magistrate No.IV, Tiruchirapalli in STC No 1319 of 2013. The revision petitioner further agreed to pay the balance amount of Rs.60,000/- in instalments or in lumpsum within a period of six months from July 2023.. The parties have filed a joint memo of compromise dated 08.07.2023 signed by them. The said joint compromise memo shall form part of the order and court records.

3. Post the matter before the regular court for consideration of Clause (iv) in the joint memo of compromise dated 08.07.2023.


S Madan
(Petitioner)


Counsel for the Appellant



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7. On the basis of the above compromise, the National LoK Adalat Award dated 08.07.2023 has passed the following order:-

JOINT COMPROMISE MEMO FILED BY BOTH PARTIES

1. That out of the Total Cheque amount of Rs.8,00,000/- (Rupees Eight Lakh), the Respondent today received Rs.6,00,000/-(Rupees Six Lakh) by way of Demand Draft in No.415839 dt 7.7.2023 drawn on SBI bank, Navalpattu Branch Tiruchirappalli and Rs.1,00,000/- (Rupees One Lakh) in cash, total Rs.7,00,000/-(Rupees Seven Lakh only) from the Revision petitioner.
2. That the Respondent agrees to receive Rs.40,000/-(Rupees Forty Thousand only) deposited by the Revision petitioner before the Judicial Magistrate No.IV, Tiruchirappalli in STC No.1319 of 2013.
3. That the Revision Petitioner agrees to pay the balance amount of Rs.60,000/-(Rupees ^{Sixty} ~~Six~~ Thousand only) in installments or lump sum within six months from July 2023 and the respondent accepts that same.
4. That the Revision petitioner prays to the Hon'ble Court to set aside the sentence and conviction imposed on him and the respondent also agrees for the same.

The compromise memo may be recorded and thus render justice

Dated at Madurai this the 8th day of July 2023

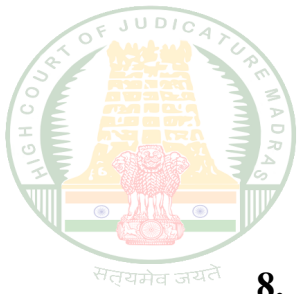
Revision Petitioner

Counsel for Revision Petitioner



T. Dhanan
Respondent

Assistant Registrar



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8. Considering the fact that the petitioner and the respondent appeared before the National Lok Adalat Award and arrived the compromise on the basis of the compromise memo stated above.

9. In view of the above award, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the lower Appellate Court are set aside and the accused is acquitted from the charges levelled against him. Consequently, connected miscellaneous petition is closed.

17.08.2023

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

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Note : Issue order copy on 18.08.2023



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To

1. The Sessions Judge Mahila Court,
Tiruchirappalli,
2. The Judicial Magistrate No.IV,
Tiruchirappalli.
3. The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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