

Bail Slip

The Petitioner/Accused namely D.Raveendran, S/o. Late P.Duraiswamy, aged about 53 years, was released on bail as per order of this court dated 16.09.2014 passed in Criminal Revision Case No. 932 of 2014 and MP Nos.1 & 2 of 2014 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

THE HON'BLE MR.JUSTICE S. MANIKUMAR

Criminal Revision Petition No.932 of 2014

D.Raveendran ...Petitioner/Accused

Vs.

Farhath Hussain ...Respondent/Complainant

Prayer:- Petition filed under Section 397 r/w. 401 of Cr.P.C, praying to set aside the order passed by the XVIII Additional Sessions Judge, Chennai, in C.A.No.198 of 2012, dated 28.08.2014, dismissing the appeal and confirming the judgment of the Metropolitan Magistrate (Fast Track Court-III), Saidapet, Chennai, in C.C.No.6982 of 2006, dated 08.10.2012.

For Petitioner : Mr.J.Durai Raj

For Respondent : Mr.N.Bhaskaran

O R D E R

Criminal Revision Case is filed against the order passed by the XVIII Additional Sessions Judge, Chennai, in C.A.No.198 of 2012, dated 28.08.2014, dismissing the appeal and confirming the judgment of the Metropolitan Magistrate (Fast Track Court-III), Saidapet, Chennai, in C.C.No.6982 of 2006, dated 18.10.2012.

2. On this day, when the matter came up for hearing, both the learned counsel appearing for the parties submitted that pursuant to a memo of compromise, dated 01.12.2014, entered into between the parties, a sum of Rs.37,00,000/- has been paid to the respondents and the parties have sought for compounding of the offence.

3. Memo of Compromise, dated 01.12.2014, signed by both the parties and their respective learned counsel, is extracted hereunder:

"1. The petitioner and the respondent entered into memo of compromise in the following terms and condition.

2. The respondent filed private complaint under section 138 of NI Act for the amount of Rs.41,50,000/- (Forty One Lakhs and Fifty Thousand Only) in respect of dishonored cheque concerned in C.C.No.6982/06 before the IIIrd Fast Track Judge, Saidapet Chennai. The IIIrd Fast Track Judge by Judgement dated on 08/10/2012 the petitioner was found guilty and sentence the petitioner to undergo Imprisonment for one year and pay the Cheque amount of Rs.41,50,000/- (Forty One Lakhs and Fifty Thousand Only) in default to undergo Two months imprisonment.

3. The petitioner preferred appeal in C.A.No.198/12 before the XVIII Additional Session Judge Chennai also the same was dismissed conforming the Judgment and convicted of the Trial court dated on 08/10/2012.

4. The petitioner preferred Crl.R.C., before this Hon'ble Court in RC No.932 /2014.

5. The petitioner filed civil Suit C.S.No.767/07 claiming sum of Rs.45,04,500/- being the amount due on the pro-note as well as the cheque amount.

6. The petitioner and the respondent pending the Crl. R.C.No.932/14 and C.S.No.767/07 arrived at a compromise as follows:

Viz:That the petitioner should pay sum of Rs. 37,00,000/- as full and final settlement of the claim of the respondent in respect of proceeding U/s.138 NI Act as well as the suit in C.S.No.767/2007 and on failure to comply with above payment the respondent is entitled to

continue the proceedings both in CrI.R.C.No.932/14 and C.S.No.767/07.

7. The petitioner this day paid sum of Rs.9,50,000/- (Nine Lakhs and Fifty Thousand only) by way of Pay Order No.000315 dated 26/11/2014, drawn on TNSC Bank, K.K.Nagar Branch. The petitioner has already deposited sum of Rs.7,50,000/- (Seven Lakhs Fifty Thousand Only) as conditional Order passed in C.A.No.198/12 on file of XVIIIth Judge and the amount was deposited to the credit in C.C.No.6982/06. The petitioner has no objection to withdraw the sum of Rs.7,50,000/- (Seven Lakhs and Fifty Thousand Only) in CC No.6982/06 and also to handover the Original receipt to the respondent enabling him to withdraw sum of Rs.7,50,000/- (Seven Lakhs and Fifty Thousand Only) from the Fast Track III Court, Chennai in CC 6981/06.

8. The petitioner undertaken to pay the balance amount of Rs.20,00,000/- (Twenty Lakhs Only) in two installment.

Viz: Rs.10,00,000/- (Ten Lakhs Only) on 05/01/2015 and balance amount of Rs.10,00,000/- (Ten Lakhs Only) on 17/02/2015 failure to comply the condition stated Supra, the respondent is at liberty to proceed against the petitioner in CrI.R.C.No.932/14 pending before the Hon'ble Court and proceed the Civil Suit No.787/07 pending before this Hon'ble Court.

9. There will not be any claim whatsoever by the respondent from the petitioner in view of Memo of Compromise. On the petitioner pays of Rs.37,00,000/- (Thirty Seven Thousands Only) the entire amount as per this compromise they same will be recorded in CrI R.C.No.932/2014 as full and final settlement of his claim and further he will withdraw the suit in C.S.No.767/07 pending before this High Court.

4. Though a sum of Rs.37,00,000/- has been received by the respondent, it is contended that the suit in C.S.No.767 of 2007, has not been withdrawn, as per the Memorandum of Compromise. Mr.N.Bhaskaran, learned counsel for the respondent submitted that C.S.No.767 of 2007, is yet to be listed.

5. Whether it is listed by the Court or not, as per the Memorandum of Compromise, dated 01.12.2014, suit in C.S.No.767 of 2007, should be withdrawn. Parties are at liberty to take steps for withdrawal of the above suit. Recording the Memorandum of Compromise, dated 01.12.2014, the present Criminal Revision Case is disposed of. Fine amount, if any paid, is directed to be refunded. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

skm

To

1. The XVIII Additional Sessions Judge, Chennai.
2. The Metropolitan Magistrate (Fast Track Court-III), Saidapet, Chennai.
3. The Chief Metropolitan Magistrate, Egmore, Chennai.
(For Information)

CrI.R.C.No.932 of 2014

SAI (CO)

PSI (01.04.2015)

सत्यमेव जयते

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