



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Crl.R.C.No.60 of 2015

M.P.No.1 of 2015

Thanigaivel

.. Petitioner

Vs

N.Nagappan

.. Respondent

Criminal Revision filed under sections 397 r/w 401 of Criminal Procedure Code, to set aside the judgment of the District Sessions Judge, Vellore District in C.A.No.101 of 2013, dated 06.11.2014, confirming the order passed by the Judicial Magistrate, Gudiyatham, Vellore District, in C.C.No.219 of 2011, dated 01.10.2013.

For Petitioner : Mr.G.Kathiresan,
for Mr.R.Margabandhu

For Respondent : Mr.R.Anandha Babu
(Enrl.No.347/2014)

O R D E R

Being aggrieved by the conviction and sentence imposed in C.C.No.219 of 2011, dated 01.10.2013, on the file of Judicial Magistrate, Gudiyatham, Vellore District, confirmed in C.A.No.101 of 2013, dated 06.11.2014, on the file of the District Sessions Judge, Vellore District, the accused, Mr.Thanigaivel, has filed this criminal revision case.

2. Record of proceedings shows that the revision petition is yet to be admitted. However, on 16.02.2015, when the matter came up for hearing, the learned counsel for the petitioner submitted that the respondent has agreed for settlement. But no proof was filed. Registry was directed to post the matter on 18.02.2015, with a direction to file a memo, duly signed by the parties. Subsequently, on 18.02.2015, when the matter came up for hearing, the parties appeared and filed a joint memo, duly signed by them, but when questioned about the many transaction, they were not in a position to give clear details about the transactions. Therefore, this Court was



constrained to order private notice, so that, the respondent could engage a counsel.

3. Today, Mr.R.Anandha Babu (Enrl.No.347 of 2014), learned counsel appearing for the respondent, identified a person, present in the Court, as the respondent. Signatures of the parties in the joint memo, dated 18.02.2015, are identified by the respective parties.

4. Recording the joint memo, dated 18.02.2015, filed by both the parties and the submission of the learned counsel for the parties, this Court is inclined to compound the offence in exercise of powers under Section 147 of the Negotiable instruments Act, the offence under Section 138 of the Negotiable Instrument Act.

5. Conviction and sentence imposed in C.C.No.219 of 2011, dated 01.10.2013, on the file of the learned Judicial Magistrate, Gudiyatham, Vellore District, confirmed in C.A.No.101 of 2013, dated 06.11.2014, on the file of the learned District Sessions Judge, Vellore District, is set aside and the petitioner shall stand acquitted in the case. Fine amount stated to have been paid by the petitioner in the lower Court, shall be refunded. The Criminal Revision Case is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar
To

1. The District Sessions Judge,
Vellore District.
2. The Judicial Magistrate,
Gudiyatham, Vellore District.

+1 cc to Mr.R.Margabandhu, Advocate,SR.16695

+1 cc to Mr.R.Anandha Babu, Advocate,SR.16908.

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