

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.7.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.658 of 2015

and

M.P. No. 1 of 2015

A. Senthil kumar ... Petitioner/Appellant/Accused.

Versus

Mohammed Anzar
S/o. Mohammad Jan
represented by his wife Mrs.Benazir
LIG 155 -A, Avvai Nagar
New A.S.T.C.. Hudco,
Hosur - 635 109 ... Respondent/Respondent/complainant

Revision Petition filed under Section 397 read with Sec. 401 of Cr.P.C. against the judgment dated 19.2.2013 made in C.A.NO.11 of 2011 by the learned Additional District and Sessions Judge, Krishnagiri, by confirming the judgment dated 02.2.2011 made in STC.No.2945 of 2008 on the file of the learned Judicial Magistrate No.II, Hosur convicting the petitioner to undergo Rigorous imprisonment for six months imposing a fine of Rs.10,000/- in default to undergo simple imprisonment for two months under Section 138 of Negotiable Instrument Act.

For Petitioner : Mr.P.Satheeshkumar
For respondent : Mr.A.Balamurugan

ORDER

When the matter is taken up for hearing today, the petitioner and the respondent are present. Power of Attorney of the respondent is also present. Respondent and the Power of Attorney are none other than the husband and wife.

2. It is stated by the learned counsel for the petitioner that because of the delay in filing the Revision, the accused was arrested on 24.6.2015 and now, he is in jail. It is also stated by the learned counsel for the petitioner that the entire amount has been paid to the respondent.

3. Now, it is represented by both sides that the parties have settled the matter. They have also filed a memo seeking Leave to

Compound the offence, which was signed by both the parties as well as their respective counsel.

4. Considering the fact that the matter has been compromised between the parties, the Criminal Revision case is allowed and the respondent is permitted to compound the offence against the petitioner as per the decision of the Honourable Supreme Court in (K.J.B.L. Rama Reddy vs. Annapurna Seeds) 2005 10 SCC 632 and (Sailesh Shyam Parsekar vs. Baban) 2005 (4) SCC 162. Accordingly, following the decisions of the Honourable Supreme Court referred to above, this Court is of the view that the conviction and sentence imposed on the petitioner could be set aside. Accordingly, the conviction and sentence imposed on the petitioner by the Courts below are set aside. Since the petitioner is in jail, he shall be released forthwith, if he is no longer required in connection with any other case/proceedings. M.P. is also closed.

ga

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Additional District and Sessions Judge,
Krishnagiri.
2. The Judicial Magistrate II, Hosur.
3. The Superintendent, Central Prison, Vellore.

+ 2 ccs to Mr.P.Satheesh Kumar, Advocate SR 32827

(co)
prk2/7

सत्यमेव जयते

Crl.RC No.658 of 2015

WEB COPY

02.07.2015