

Bail Slip

The petitioner/Accused R.Muthusamy were directed to be released on bail in and by the order of this court dated 02.12.2009 made in Criminal M.P.No.1 of 2009 in CrI.R.C.No.1160 of 2009 on the file of the High Court, Madras. [C.C.No.11 of 2006 dated 21.09.2006 on the file of the District Munsif Cum Judicial Magistrate, Rasipuram and same was modified in the judgment dated 13.11.2009 in C.A. No.14 of 2006 passed by the Additional District and Fast Track Court, Namakkal]

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2015

CORAM

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

CrI.R.C.No.1160 of 2009

R.Muthusamy

...Petitioner

vs.

1. M.Nalliyappan (Died)
2. K.Madheswari
3. N.Sidheswaran

...Respondents

[R2 and R3 impleaded vide order of the Court made in M.P.No.1 of 2015 in CrI.RC.No.1160 of 2009 dated 02.03.2015]

PRAYER: Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the judgment of C.C.No.11/2006 dated 21.09.2006 on the file of District Munsif cum Judicial magistrate, Rasipuram and the same was modified in the judgment dated 13.11.2009 in C.A.No.58 of 2006 passed by the Additional District and Fast Track Court, Namakkal.

For Petitioner : Mr.T.Meganathan

O R D E R

Petitioner is the accused. Material on record discloses that on the complaint of Mr.M.Nalliyappan (since deceased) C.C.No.11 of 2006

has been taken on file under Section 138 of the Negotiable Instruments Act by the learned District Munsif cum Judicial Magistrate, Rasipuram. Upon trial, vide judgment dated 21.09.2006 in C.C.No.11 of 2006 the learned District Munsif cum Judicial Magistrate, Rasipuram, has convicted and sentenced the petitioner to undergo simple imprisonment for one year and imposed fine of Rs.4,000/- and in default to pay the same, sentenced the petitioner to undergo simple imprisonment for three months. Being aggrieved by the same, the petitioner has filed CrI.A.No.58 of 2006 on the file of the learned Additional District and Fast Track Judge, Namakkal. Vide judgment dated 13.11.2009 in CrI.A. No.58 of 2006, the appellate Court has reduced the sentence to six months. Fine amount has been confirmed.

2. Being aggrieved by the abovesaid decisions, the present revision case is filed. Pending revision the respondent/complainant died on 15.07.2012. As per the legal heirship certificate dated 14.12.2012 issued by Tahsildar, Rasipuram, he is survived by his daughter Mrs.K.Madheswari and son Mr.N.Siddheswaran. Based on the death certificate dated 11.11.2014, as well as the legal heirs certificate dated 14.12.2012, M.P.No.1 of 2015 has been filed to implead son and daughter of the sole respondent (since deceased) as party respondents in this criminal revision Case. Notice in impleading petition M.P.No.1 of 2015, has been ordered.

3. At this juncture, Mr.T.Meganathan, learned counsel for the petitioner has submitted a petition in the open Court captioned as "Compounding petition" in which it is stated that a sum of Rs.1,05,000/- has been paid to Mr.Siddheswaran, S/o.M.Nalliyappan, and that a settlement has also been arrived at between the parties. Petitioner has also stated that a sum of Rs.50,000/- has been deposited to the credit of C.C.No.11 of 2006 on the file of the District Munsif cum Judicial Magistrate, Rasipuram.

4. In the petition styled as 'Compounding Petition', daughter Mr.G.Madheswari and son Mr.N.Siddheswaran have also affixed their signatures. Both the signatures have been attested by Mr.P.Senthil Kumar, Advocate, E.No.420/2001, 6/1, Car Street, Rasipuram - 637 408. Muthusamy, the petitioner/accused has also signed the compounding petition.

5. Mr.N.Siddheswaran, 3rd respondent has submitted that his Sister Mrs.G.Madheswari, who met with an accident could not be present in this Court. However, he has identified the signature of G.Madheswari, his Sister. Learned counsel for the petitioner has not

seen G.Madheswari, the 2nd respondent.

6. Mr.Siddheswaran has further submitted that a sum of Rs.50,000/- in cash has already been paid to his sister towards her share in the cheque amount. No document has been filed to prove the same. Compounding of the offence, is being considering on the petition dated 22.02.2015 submitted in the open Court and based on the statement that the petitioner has paid a sum of Rs.1,05,000/- to Mr.Siddheswaran, who in turn has submitted that out of which, Rs.50,000/- has been paid to the sister, Mrs.G.Madheswari.

7. In view of the compromise arrived at by the parties, and provision under the Negotiable Instruments Act (Section 147), for compounding the offence, the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Rasipuram vide judgment dated 21.08.2006 in C.C.No.11 of 2006 and lateron modified by the learned Additional District and Fast Track Judge, Namakkal, vide judgment dated 13.11.2009 in C.A.No.58 of 2006, is set aside. Accordingly, offence under Section 138 of the Negotiable Instrument Act shall stand compounded. The petitioner shall stand acquitted in the case. Fine amount, if any, paid by the petitioner shall be refunded to him. Permission is granted to the petitioner to withdraw the sum of Rs.50,000/- now stated to be lying in the deposit of C.C.No.11 of 2006 on the file of the District Munsif cum Judicial Magistrate, Rasipuram. The Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar(R)

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif cum Judicial Magistrate,
Rasipuram.

2. The Chief Judicial Magistrate,
Namakkal.

3. The Additional District and Fast Track Court,
Namakkal.

4. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.R. Nalliyappan, Advocate SR.No. 13456

Cr1.R.C.No.1160 of 2009

TM (CO)
PSI (23.03.2015)



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