

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2015

CORAM

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

Crl.R.C.No.1175 of 2013

Mr.Paramasivam

... Petitioner/Accused

vs.

Mr.K.Kuppusamy

... Respondent

PRAYER: Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code to call for the records and set aside the order passed in C.A.No.124/2011 on the file of II Additional Sessions Judge, Erode dated 10.01.2013 in confirming the judgment passed in C.C.No.779 of 2009 on the file of the Judicial Magistrate Court-I, Erode, dated 26.08.2011 in convicting the petitioner under Section 138 of Negotiable Instrument Act and sentenced him to undergo one year imprisonment and to pay a fine of Rs.5000/- in default to undergo one month imprisonment.

For Petitioner : Mr.M.A.R.Pragash

For Respondent : Ms.R.J.Yoga Anandhi

O R D E R

Criminal Revision Case is preferred against the concurrent judgments of the Courts below.

2. Cheque amount is Rs.1,00,000/-. C.C.No.779 of 2009 laid against the petitioner has ended in conviction and sentence of simple imprisonment for one year and fine of Rs.5,000/- in default to undergo one month simple imprisonment. On appeal, conviction has been sustained.

3. Record of proceedings shows that during the pendency of the present revision, on 30.10.2013, a sum of Rs.50,000/- has been paid. Subsequently, another sum of Rs.20,000/- has been paid. On 04.03.2015, balance cheque amount of Rs.30,000/- has been paid, by way of demand draft dated 14.02.2012 bearing D.D.No.320308 drawn in favour of the respondent. Ms.R.J.Yoga Anandhi, learned counsel for the respondent has acknowledged the demand draft.

4. However, considering the time spent in the litigation, costs involved, this Court directed the petitioner to make a further payment of Rs.15,000/- within 10 days, from 04.03.2015 and directed the matter to be listed today.

5. On this day, a sum of Rs.15,000/- tendered towards the expenses incurred by the petitioner has been paid and acknowledged by Ms.R.J.Yoga Anandhi. Letter dated 12.03.2015 of the learned counsel for the petitioner tendering Rs.15,000/- in cash with an endorsement of the learned counsel for the respondent, acknowledging receipt of the same, filed in the open Court shall form part of the record.

6. Parties have agreed to compound the offence. Therefore, in exercise of powers under Section 147 of the Negotiable instruments Act, the offence under Section 138 of the Negotiable Instrument Act shall stand compounded. Conviction and sentence imposed by the learned Judicial Magistrate No.I, Erode, vide judgment dated 26.08.2011 in C.C.No.779 of 2009 and lateron, confirmed by the learned II Additional Sessions Judge, Erode, vide judgment dated 10.01.2013 in C.A.No.124 of 2011, is set aside and the petitioner shall stand acquitted in the case. Fine amount if any paid, is directed to be refunded. The Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The II Additional Sessions Judge, Erode.
- 2.The Judicial Magistrate No.I, Erode.

1 cc to Ms.R.J.Yoga Anandhi ,Advocate, SR.No.15755/2015

Cr1.R.C.No.1175 of 2013

sr(co)
pmk.8.4.2015