



Bail Slip

The Petitioner/Accused namely, C.Ashok kumar in C.C.No.639 of 2002 on the file of the Judicial Magistrate, Salem, was directed to be released on bail in and by the Order of this court dated 25.02.2010 in Crl.M.P.No.2 of 2010 in Crl.R.C.No.79 of 2010, on the file of the High Court, Madrs

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.9.2015

Coram

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Petition No.79 of 2010

S. Ashok Kumar

.. Petitioner

Versus

M/s. S.N.B.Corporation
Rep.by its Proprietor
Mahesh Kumar Porwal
No.15, Kamarajar Street
Slaem - 1.

.. Respondent

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records relating to the judgment of conviction and sentence dated 10.7.2009 in Criminal Appeal No.142 of 2004 on the file of the 1st Additional Sessions Judge, Salem, confirming the judgment of Conviction and Sentence dated 06.10.2004 in C.C.No.639 of 2002 on the file of Judicial Magistrate No.1, Salem and set aside the order and allow the Revision Case as prayed for.

For Petitioner : Mr. G.Innisai for
Mr.A.L.Ganthimathi

For Respondent : Mr. R.Nalliyappan

ORDER

In the criminal proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act in C.C. No. 639 of 2002 on the file of the learned Judicial Magistrate No.1, Salem, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for one year and to pay a compensation of Rs.21,78,000/-. Challenging the same, the petitioner filed Criminal Appeal No.142 of 2004 on the file of the First Additional Sessions Court, Salem, which was dismissed by the Appellate Court on 10.7.2009. As against the same, the petitioner has filed the present Criminal Revision Petition.



2. The learned counsel appearing for the petitioner submitted that pending this Criminal Revision Petition, both the petitioner and the respondent have arrived at a compromise and the entire amount has been paid by the petitioner /accused to the respondent/ complainant. The learned counsel for the petitioner also produced the compromise letter dated 18.6.2013, which has been duly signed by both the parties and their respective counsel. The learned counsel for the petitioner therefore pray this Court to permit the petitioner to compound the offence on the basis of the compromise entered into between the petitioner and the respondent.

3. The learned counsel for the respondent also fairly admits that the matter has been compromised between the parties.

4. Considering the fact that the dispute has been compromised between the parties and that the compromise letter duly signed by both parties and their respective counsel has been produced and prayed this Court to record the compromise entered into between the parties, the sentence imposed on the petitioner shall be compounded 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. Therefore, 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. The Criminal Revision Case is allowed.

5. It is brought to the notice of this Court that as per the conditional order of this Court dated 25.2.2010, the petitioner has deposited a sum of Rs.1,50,000/- to the credit of C.C.No.639 of 2002 on the file of the learned Judicial Magistrate No.I, Salem. Since the revision has been allowed by setting aside the conviction and sentence, the trial Court is directed to refund the said sum of Rs.1,50,000/- to the petitioner.

ga

Sd/-
Assistant Registrar (CS-IV)

/True Copy/

Sub-Assistant Registrar



To.

1. The I Additional Sessions Judge,
Salem

2. The Judicial Magistrate No.I,
Salem

+1 C.C. To MR.AL.Gandhimathi, Advocate in SR.NO.52975

Cr1.RC No.79 of 2010

TS (CO)

sd : 14/10/2015