

Bail Slip

Petitioner in Crl.R.C. No.350 of 2013 (Accused in STC No.64/2011 on the file of the Judicial Magistrate, FTC at Magisterial Level No.1, Erode) was directed to be released on Bail as per order of this court dated 15.03.2013 in M.P.No. 1 of 2013 in Crl.R.C.No. 350 of 2013.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 350 of 2013

and

M.P. No. 1 of 2015

T.Gobalakrishnan

...Petitioner/Accused

Versus

R.Karunanithi

...Respondent/Complainant

Criminal Revision Case filed under Section 397 (1) r/w. 401 of Cr.P.C. against the judgment dated 12.10.2012 made in Crl.A. No.118 of 2012 on the file of the learned I Additional Sessions Judge, Erode District at Erode, confirming the judgment dated 29.05.2012 made in S.T.C. No. 64 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level No.1, Erode.

For Petitioner : Mr. I.C.Vasudevan

For Respondent : Mr. T.Meganathan

ORDER

In the Criminal Complaint filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act, by judgment dated 29.05.2012 made in S.T.C. No. 64 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level No.1, Erode, dated 29.05.2012, the petitioner/accused was convicted under Section 138 of the Negotiable Instruments and he was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for a period of one month. As against this conviction and sentence imposed on the

petitioner, he has filed a Crl.A. No. 118 of 2012 on the file of the learned I Additional Sessions Judge, Erode District at Erode, which was dismissed on 12.10.2012, thereby, confirming the judgment of the Trial Court. As against the same, the present Criminal Revision Case is filed.

2. Pending Criminal Revision Case, the complainant has filed M.P. No. 1 of 2015 seeking permission to compound the offence under Section 138 of the Negotiable Instruments Act by setting aside the conviction and sentence imposed on the accused by the Courts below.

3.As per the petition for compounding the offence under Section 138 of the Negotiable Instruments Act, the complainant has agreed to receive a sum of Rs.2,30,000/- (Rupees Two Lakhs and Thirty Thousand only) from the accused towards the full satisfaction of the cheque amount. According to the complainant, as per the compromise arrived at, the accused has paid a sum of Rs.1,80,000/- to the complainant in July, 2015, and the complainant acknowledged the receipt for the same and the balance of Rs.50,000/- the accused has already deposited to the credit of S.T.C.No.64 of 2011 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level No.1, Erode, as per the earlier direction of this Court in M.P.No.1 of 2013, dated 15.03.2013, which the complainant is entitled to withdraw by filing an appropriate application before the Trial Court. Therefore, according to the complainant, since the dispute between him and the accused has been resolved amicably and the complainant received the said amount towards full satisfaction of the cheque amount, the offence under Section 138 of the Negotiable Instruments Act may be compounded by setting aside the conviction and sentence imposed on the accused by the Courts below.

4. The learned counsel appearing for the complainant has no objection for compounding the offence imposed on the accused by the Courts below.

5. Considering the fact that the dispute has been compromised between the parties and the complainant has also filed M.P. No. 1 of 2015 and prayed this Court to compound the offence, M.P. No. 1 of 2015 is allowed and the complainant is permitted to compound the offence under Section 138 of the Negotiable Instruments Act against the accused as per the decision of the Honourable Supreme Court in (i) B.M. Joshi vs. State of Haryana (2003) 4 SCC 675 (ii) Nikhil Merchant vs. C.B.I. 2008 (3) SCC Crl 858 and (iii) Jagdish Chanana and others vs. State of Haryana 2009 (3) SCC Crl. 1157. Accordingly, following the decisions of the Honourable Supreme Court referred to above, this Court is of the view that the proceedings against the petitioner/accused could be set aside. Consequently, the judgment dated 12.10.2012 made in Crl.A. No.118 of 2012 on the file of the learned I Additional Sessions Judge, Erode District at Erode, confirming the judgment dated 29.05.2012 made in S.T.C. No.

64 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level No.1, Erode, are set aside. The Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Fast Track Court
at Magisterial Level No.1, Erode.
2. -Do- Through The Chief Judicial Magistrate,
Erode.
3. The I Additional Sessions Judge,
Erode District at Erode.
4. -Do- The Principal Sessions Judge,
Erode.

1 CC to Mr.I.C. Vasudevan, Advocate SR.No. 43115

CrI. R.C. No. 350 of 2013
& M.P.No. 1 of 2015

TEJ (CO)
PSI (19.08.2015)

सत्यमेव जयते

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