

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HONOURABLE MS. JUSTICE R. MALA

CRL.R.C.No.1270 of 2014 &

M.P.No.1 of 2015

R.Sankar

..Petitioner/Accused

Vs

C.Vadivel

..Respondent/Complainant

Prayer: Criminal Revision filed under Section 397 read with 401 of Cr.P.C against the judgment passed by the Principal District and Sessions Court, Dharmapuri in C.A.No.14 of 2012 dated 27.11.2014 confirming the judgment passed by the learned Judicial Magistrate (Fast Track Court), Dharmapuri in S.T.C.No.145 of 2011 dated 18.05.2012.

For Petitioner: Mr.C.Munusamy

For Respondent :Mr.S.Kaithamalai Kumaran

ORDER

The revision petitioner herein is an accused in S.T.C.No.145 of 2011 on the file of the learned Judicial Magistrate, Fast Track Court, Dharmapuri and he stands convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.3,00,000/- to the complainant within a period of two months, in default in payment to undergo simple imprisonment for three months, against which, the revision petitioner preferred appeal in C.A.No.14 of 2012 before the Principal District and Sessions Court, Dharmapuri, in which the conviction and sentence was confirmed. Aggrieved over the same, the present revision has been preferred by the petitioner/accused.

2.Today the revision petitioner/accused, the respondent/complainant and their respective counsel are present.

3.The learned counsel appearing for the petitioner submits that the matter is now compromised between both the parties.

4.The learned counsel appearing for the respondent/complainant admits that the matter has been compromised between the parties and he has no objection to discharge the petitioner from the charge under Section 138 of Negotiable instruments Act. The accused/petitioner has no objection to pay the amount of Rs.25,000/- to the complainant/respondent. It is further submitted that a

petition is also now filed before this Court seeking permission of the Court for compounding the offence.

5.This Court has considered the submissions made by both parties.

6.In view of the fact that the matter being compromised and as the complainant is also prepared to compound the offence, the miscellaneous petition in M.P.No.1 of 2015 filed before this Court under Section 147 of the Negotiable Instruments Act is allowed.

7. As the offence has been compounded, this Criminal Revision Petition is allowed and the conviction and sentence imposed on the petitioner in S.T.C.No.145 of 2011 by the learned Judicial Magistrate, Fast Track Court, Dharmapuri, which was confirmed by the appellate Court, are hereby set aside and the petitioner/accused is exonerated from the charge levelled against him. The respondent/complainant is permitted to withdraw the amount of Rs.25,000/-, which was paid by the petitioner/accused before the appellate Court on filing proper application.

Sd/-

Assistant Registrar

Dated:16.2.15

True Copy

Sub Assistant Registrar

To

- 1.The Principal District and Sessions Court,
Principal District and Sessions Court, Dharmapuri.
- 2.The Judicial Magistrate, Fast Track Court, Dharmapuri.
- 3.Do thro' The Chief Judicial Magistrate, Dharmapuri.
- 4.The Section Officer, Criminal Section, High Court, Madras.

+1 cc to Mr.C.Munusamy, Advocate,SR.5335

+1 cc to Mr.Kaithamalai Kumaran, Advocate,SR.5369.

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