



WEB COPY

21BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C.(MD)No.187 of 2014

and

M.P.(MD)Nos.2 & 3 of 2014

and

M.P.(MD)No.1 of 2015

N.Nachiappan : Revision Petitioner/
Appellant/Accused

Vs.

R.Sundararajan : Respondent/Respondent/
Complainant

PRAYER: Petition is filed under Section 397 and 491 of the Code of Criminal Procedure to call for the records from the learned Additional District and Sessions Judge, Dindigul in C.A.NO.26 of 2012, dated 08.11.2013 modifying the order in C.C.No.61 of 2004 dated 16.02.2012, on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District and set aside the same.

For Petitioner : Mr.M.Sheik Abdullah

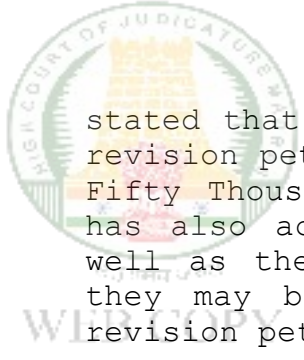
For Respondent : Mr.B.Sutha Sathyananth

ORDER

The revision petitioner is the sole accused in C.C.No.61 of 2004, on the file of the learned Judicial Magistrate, Nilakottai. The respondent is the complainant in this case. He filed the said case alleging that the petitioner has committed an offence punishable under Section 138 of the Negotiable Instruments Act. By judgment dated 16.02.2012, the trial Court convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for three months. Challenging the same, the petitioner filed an appeal in C.A.NO.26 of 2012. The learned Additional District and Sessions Judge, Dindigul, by judgment dated 08.11.2013, allowed the appeal in part, thereby confirming the conviction of the petitioner under Section 138 of the Negotiable Instruments Act, however modifying the sentence, thereby imposing the sentence till raising of the Court and to pay a sum of Rs.Four Lakhs as compensation, in default to undergo simple imprisonment for six months. Challenging the same, the petitioner is before this Court with this revision.

2. I have heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondent. Today, the revision petitioner and the respondent are also present before this Court.

3.The petitioner has filed M.P.(MD)NO.1 of 2015 under Section 147 of the Negotiable Instruments Act seeking permission of this Court to compound the offence with the respondent. Along with the said petition,



stated that the dispute has been compromised between them, by which the revision petitioner has paid a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) in full quit to the respondent and the respondent has also acknowledged the same. Thus, according to the petitioner as well as the respondent, the matter has been compromised and therefore, they may be permitted to compound the offence and as a result, the revision petitioner may be acquitted.

4.The petitioner and the respondent, who are present before this Court, when enquired by this Court, would confirm the compromise. They would pray for acquittal of the revision petitioner. The learned Counsel on either side would also reiterate the same.

5.In view of the above, M.P.(MD)No.1 of 2015 is allowed and the parties are allowed to compound the offence. Accordingly, Crl.R.C.(MD) NO.187 of 2014 is allowed and the conviction and sentence imposed on the revision petitioner by the lower Courts is set aside and revision petitioner is acquitted. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub - Assistant Registrar

To

1.The Additional District and Sessions Court,
Dindigul.

2. The Additional District and Sessions Court,
Dindigul through the District and Sessionn Court, Dindigul.

3.The Judicial Magistrate Court, Nilakottai,
Dindigul District.

4. The Judicial Magistrate Court, Nilakottai,
Dindigul District through the chief Judicial Magistrate, Dindigul.

+1CC to Mr.M.Sheik Abdullah, Advocate, SR No. 37886

Crl.R.C.(MD)No.187 of 2014
and

M.P.(MD)Nos.1 to 3 of 2014
and

M.P.(MD)No.1 of 2015
08.07.2015

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