



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2015

CORAM:

WEB COPY **THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**

Crl.R.C.(MD)NOS.100 and 101 of 2015

and

M.P.(MD)Nos.1, 1, 2,2, 3 and 3 of 2015

Sethuraman .. Petitioner/Appellant/Accused in both cases

Vs.

Krishnan Chettiar ... Respondent/Respondent/ Complainant
in both cases

Prayer in Crl.R.C.(MD)No.100 of 2015: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned Sessions Judge, Sivagangai in Crl.A.No.4 of 2003, by judgment dated 11.10.2013, confirming the conviction and sentence of imprisonment imposed by the learned District Munsif-cum-Judicial Magistrate, Thiruppathur in C.C.No.99 of 2001, by the Judgment dated 17.12.2002 and set aside the judgments of the Courts below.

Prayer in Crl.R.C.(MD)No.101 of 2015: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned Sessions Judge, Sivagangai in Crl.A.No.3 of 2003, by judgment dated 22.10.2013, confirming the conviction and sentence of imprisonment imposed by the learned District Munsif-cum-Judicial Magistrate, Thiruppathur in C.C.No.152 of 2000, by the Judgment dated 17.12.2002 and set aside the judgments of the Courts below.

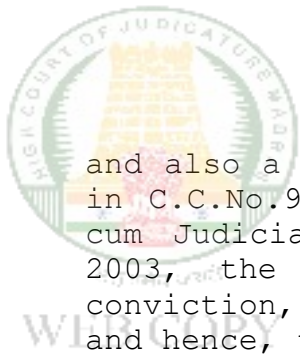
For Petitioner
in both cases : Mr.R.Senthilkumar

For Respondent
in both cases : Mr.M.Mithun

COMMON ORDER

By consent of the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent, both the Criminal Revision Cases are taken up for final disposal, as it is represented that the matter in issue between the parties has been compromised.

2. In Crl.R.C.(MD)No.100 of 2015, the petitioner has suffered the conviction for the commission of offence under Section 138 of Negotiable Instruments Act and a sentence of six months simple imprisonment and a fine of Rs.3,000/-, in default to undergo one month simple imprisonment



and also a compensation of Rs.1,72,000/-, vide judgment dated 17.12.2002 in C.C.No.99 of 2001, on the file of the Court of the District Munsif cum Judicial Magistrate, Thiruppathur and on appeal in CrI.A.No.4 of 2003, the Principal Sessions Court, Sivagangai, has confirmed the conviction, sentence as well as the compensation passed by trial Court and hence, this Criminal Revision Case has been filed.

3. In CrI.R.C.(MD)No.101 of 2015, the very same petitioner, who is arrayed as accused, suffered the conviction for the commission of offence under Section 138 of the Negotiable Instruments Act and the sentence of six months simple imprisonment and to pay a fine of Rs.3,000/-, in default to undergo one month simple imprisonment and also directed to pay a compensation of Rs.1,02,000/- vide judgment dated 17.12.2002 made in C.C.No.152 of 2000, on the file of the Court of the District Munsif cum Judicial Magistrate, Thiruppathur and on appeal in CrI.A.No.3 of 2003, the Principal Sessions Court, Sivagangai, has confirmed the conviction, sentence as well as the compensation passed by trial Court and hence, this Criminal Revision Case has been filed.

4. The petitioner/accused, challenging the confirmation of conviction and sentence passed by the lower Appellate Court, had filed these Criminal Revision Cases. When these Criminal Revision Cases are listed today for admission, the learned Counsel appearing for the petitioner as well as the learned Counsel appearing for the respondent/private complainant, on instructions, submitted that the matter in issue has been compromised and also filed a memo of compromise, dated 05.03.2015, in U.S.R.Nos.632 and 633 of 2015 in CrI.R.C.(MD)Nos.100 and 101 of 2015 respectively. To compound the offences, they also filed two petitions in M.P.(MD)Nos.3 and 3 of 2015 in these Criminal Revision Cases.

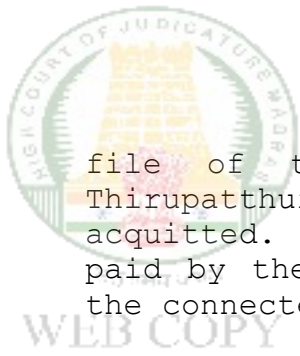
5. This Court heard the submission of the learned Counsel respectively.

6. The learned Counsel appearing for the parties would submit that since the matter has been entered into compromise, both the Criminal Revision Cases may be allowed and the petitioner/accused may be acquitted.

7. The petitioner/accused as well as the respondent/private complainant are present today before this Court and this Court has also enquired them. The respondent/private complainant would state that since he has received the money and the matter has been compromised, he has no objection for acquitting the revision petitioner/accused.

8. The above said two memo of compromise vide U.S.R.Nos.632 and 633 of 2015 are taken on file and recorded. M.P.(MD)Nos.3 and 3 of 2015 in CrI.R.C.(MD)Nos.100 and 101 of 2015 respectively are ordered.

9. In the result, both the Criminal Revision Cases are allowed and the impugned judgments dated 11.10.2013 and 22.10.2013, made in CrI.A.Nos. 4 and 3 of 2003 respectively, on the file of the Court of Sessions Judge, Sivagangai are set aside and consequently, the judgments dated 17.12.2002, made in C.C.Nos.99 of 2001 and 152 of 2000, on the



file of the Court of District Munsif cum Judicial Magistrate, Thirupatthur are dismissed. The revision petitioner/accused is acquitted. The bail bond stands terminated and the fine amount, if any, paid by the petitioner/accused shall be refunded to him. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Sessions Judge, Sivagangai.

2.The District Munsif cum Judicial Magistrate,
Thirupatthur.

+1cc to Mr.R.Senthilkumar,Advocate SR.No.10664

Cr1.R.C.(MD)N0s.100 and 101 of 2015
and

M.P.(MD)N0s.1, 1, 2,2, 3 and 3 of 2015
05.03.2015

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PA/09.03.2015/3P/4C (IT)