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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.07.2015
CORAM:
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
CRL.RC.(MD)No.607 of 2011
and
M.P.No.1 of 2015

P.Chidambaram ... Petitioner/Appellant/Accused

Vs.

1.S.Madhavan,
S/o.Sadaksha Sundaram,
rep. by his Power Holder,
Sadaksha Sundaram.

2.The State of Tamil Nadu,
Through the Public Prosecutor,
Nagercoil. ... Respondents/
Respondents/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the judgment dated 03.11.2010 made in Criminal Appeal No.47 of 2005, by the learned Sessions Judge, Kanyakumari Division at Nagercoil, confirming the conviction and sentence, dated 24.01.2005, made in C.C.No.292 of 2002, by the learned Judicial Magistrate No.II, Nagercoil.

For Petitioner : Mr.G.R.Swaminathan

For Respondent No.1 : Mr.N.Dilipkumar

For Respondent No.2 : Mr.P.Kannithevan
Government Advocate [Criminal Side]

ORDER

The petitioner is the sole accused in C.C.No.292 of 2002, on the file of the learned Judicial Magistrate No.II, Nagercoil. The first respondent herein is the complainant. The said case was filed alleging that the petitioner had committed offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The Trial Court, by order dated 24.01.2005, convicted the accused 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.5,000/-, in default to undergo simple imprisonment for three months. Challenging the same, the petitioner filed an appeal in Crl.A.No.47 of 2005. The learned Sessions Judge, Kanyakumari Division at Nagercoil, by Judgment dated 03.11.2010, dismissed the appeal, thereby confirming the conviction and sentence imposed by the trial Court. As against the same, the petitioner is now before this Court with this Criminal Revision Case.

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2. I have heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Government Advocate [Criminal Side] for the second respondent. I have also perused the records carefully.

3.When the matter came up for hearing on 22.07.2015, both the parties were present and they submitted that the dispute between them has been settled amicably. Today, the petitioner filed M.P.[MD].No.1 of 2015 seeking permission of this Court to compound the offence. A common affidavit has been filed by both the parties herein stating that the dispute has been settled amicably between them and on accepting the compromise, the conviction and sentence imposed on the petitioner may be set aside and he may be acquitted. It is brought to my notice that the parties are related to each other and they are senior citizens. The petitioner is a retired professor and he is now aged 62 years. The Power Agent of the respondent viz., Mr.Sadhakshi Sundaram is aged 81 years and he is a retired Joint Director of the Pension Department. Having regard to all the above, I am inclined to permit the parties to compound the offence.

4. In view of the above, M.P.(MD).No.1 of 2015 is allowed and consequently, this Criminal Revision Case is allowed and the conviction and sentence imposed on the petitioner by the Trial Court and confirmed by first appellate Court is hereby set aside and the petitioner is acquitted. The bail bond, if any, executed by him shall stand terminated. The fine amount, if any, paid shall be returned to the petitioner.

5.It is made clear that if the terms of the compromise are not complied with by the petitioner, the first respondent would be at liberty to approach this Court to reopen this Criminal Revision Case.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
1.The Public Prosecutor, Nagercoil.
2.The Sessions Judge, Kanyakumari Division at Nagercoil.
3.The Judicial Magistrate No.II, Nagercoil.
4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.G.R.SWAMINATHAN, Advocate Sr.No.41378
gcg
AA/27.08.2015/2p-6c

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