

**BAIL-SLIP**

The Accused namely P.Chidambaram directed to be released on bail by the Hon'ble Court made on M.P.3/2011, CRL R.C.(MD) 637/2011, dt: 29.07.2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.637 of 2011
and
M.P.No.1 of 2015

P.Chidambaram : Petitioner/petitioner

Vs.

1.M.Chellaperumal
2.The State of Tamil Nadu,
Through the Public Prosecutor,
Nagercoil. : Respondents/Respondents.

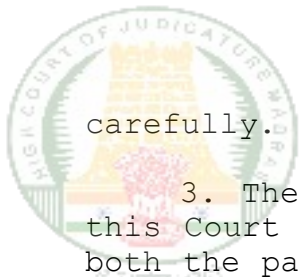
PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the Judgment dated 03.11.2010 passed by the Sessions Judge, Kanyakumari Division at Nagercoil, in Criminal Appeal No.199 of 2005, confirming the Judgment dated 23.06.2005 passed by the learned Judicial Magistrate No.II, Nagercoil, in S.T.C.No.1311 of 2003 and set aside the same.

For Petitioner : Mr.G.R.Swaminathan
For Respondent No.1 : Mr.N.Dilipkumar
For Respondent No.2 : Mr.P.Kannithevan
Government Advocate [Criminal Side]

O R D E R

The petitioner is the sole accused in S.T.C.No.1311 of 2003, on the file of the learned Judicial Magistrate No.II, Nagercoil. The first respondent herein is the complainant. The first respondent filed the said case for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, [for brevity, "the Act"]. The Trial Court, by order dated 23.06.2005, convicted the accused under Section 138 of the Act and sentenced him to undergo simple imprisonment for six months and to pay a fine of Rs.2,500/-, in default to undergo simple imprisonment for three months. Challenging the same, the petitioner filed an appeal in Crl.A.No.199 of 2005. The learned Sessions Judge, Kanyakumari District 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.

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



carefully.

3. 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, wherein, in Paragraph No.3 onwards, it is stated as follows:-

"3. We submit that now the matter is compromised between us.

4. We submit that joint compromise memo has been filed along with this affidavit. The joint compromise memo may be read as part and parcel of this affidavit. The joint compromise memo may kindly be recorded as part of the Judgment of this Hon'ble Court.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record the joint compromise memo and to compound the criminal revision in CrI.RC.[MD].No.637 of 2011 filed against the Judgment and conviction made in S.T.C.No.1131 of 2003, on the file of the learned Judicial Magistrate No.II, Nagercoil, which were confirmed by the Appellate Court in CrI.A.No.199 of 2005 on the file of the Sessions Judge, Nagercoil, Kanyakumari District, vide order dated 03.11.2010 and acquit the first party from the cases based on the said joint compromise and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances and thus render justice".

4. Both the parties, who are present in Court, would submit that that the matter has been compromised and accepting the compromise, the conviction and sentence imposed on the petitioner may be set aside and he may be acquitted.

5. In view of the above, this Miscellaneous Petition [MD].No.1 of 2015 is allowed, consequently, the Criminal Revision Case is also allowed, the conviction and sentence imposed on the petitioner by the Trial Court, vide order dated 23.06.2005 made in S.T.C.No.1311 of 2003, which was confirmed by Judgment dated 03.11.2010, made in CrI.A.No.199 of 2005, is set aside and the petitioner is acquitted.

NB

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Public Prosecutor, The State of Tamil Nadu, Nagercoil, The Nagercoil, Kanyakumari District.
 - 2.The Sessions Judge, Kanyakumari Division at Nagercoil.
 - 3.The learned Judicial Magistrate No.II, Nagercoil.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
 - 5.The Superintendent, Central Prison, Palayamkottai.
 - 6.The Chief Judicial Magistrate, Kanyakumari at Nagercoil
- 1CC to Mr.G.R.Swaminathan, Advocate, SR.No.41708.

ORDER MADE IN

CRL.RC. (MD) No.637 of 2011

DATED - 24.07.2015