



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC. (MD) No.667 of 2013

and

M.P.No.1 of 2015

A.L.Manoharan

: Petitioner

Vs.

S.Selvaraj

: Respondent

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the Judgment dated 25.07.2013 in Crl.A.No.48 of 2013, on the file of the learned Principal Sessions Judge, Thoothukudi, Thoothukudi District, confirming the conviction and sentence imposed upon the petitioner in C.C.No.252 of 2012, on the file of the learned Judicial Magistrate/Fast Track Court [Magisterial Level], Kovilpatti, Thoothukudi District, dated 01.02.2013 and acquit the petitioner.

For Petitioner : Mr.A.Thiruvadikumar

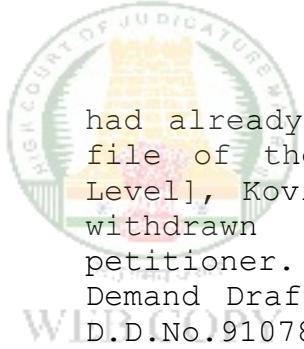
For Respondent : Mr.B.Rajesh Saravanan

O R D E R

The petitioner is the sole accused in C.C.No.252 of 2012, on the file of the learned Judicial Magistrate/Fast Track Court [Magisterial Level], Kovilpatti, Tuticorin District. The respondent is the private complainant in the said case. The said case was filed alleging that the petitioner herein had committed an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, [for brevity, "the Act"]. The Trial Court, by Judgment dated 01.02.2013, has convicted the petitioner herein under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for one year and to pay a compensation of Rs.12,00,000/- to the respondent/private complainant.

2. Challenging the said order, the petitioner filed an appeal in C.A.No.48 of 2013. The learned Principal Sessions Judge, Tuticorin, by Judgment dated 25.07.2013, 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.

3. When this Criminal Revision Case came up for hearing today, the petitioner has filed a Miscellaneous Petition in M.P.No.1 of 2015 seeking permission of this Court to compound the offence. A joint compromise memo signed by the petitioner, the respondent and their respective counsel has been filed. In the said compromise memo, it is stated that the parties have settled their disputes, by which the petitioner agreed to pay a sum of Rs.12,25,000/- as a full and final settlement. A sum of Rs.6,00,000/-



had already been deposited to the credit of C.C.No.252 of 2012, on the file of the learned Judicial Magistrate/Fast Track Court [Magisterial Level], Kovilpatti. As per the said compromise, the said amount could be withdrawn by the respondent/complainant, without notice to the petitioner. Today, before this Court, the petitioner has handed over a Demand Draft of Rs.3,00,000/- drawn on Karur Vysya Bank, Chennai, under D.D.No.910783, dated 31.05.2015. Today, in open Court, he has paid the remaining sum of Rs.3,25,000/- in cash to the respondent/complainant. Thus, the respondent/complainant has received a sum of Rs.6,25,000/- and he is going to withdraw a sum of Rs.6,00,000/- from the Lower Court. In these terms, the matter has been compromised and the respondent/complainant would submit that on the basis of the said compromise, the conviction imposed on the petitioner may be set aside and he may be acquitted. The parties are present before this Court. On enquiry, they would say that they entered into a compromise, as stated above.

4. Having regard to the compromise memo and the request made by the parties, I am inclined to permit the parties to compound the offence. In the result, this Criminal Revision Case is allowed in the following terms:-

(i). The conviction and sentence imposed by the Trial Court and confirmed by the Lower Appellate Court is hereby set aside by permitting the parties to compound the offence.

(ii). The respondent is permitted to withdraw a sum of Rs.6,00,000/-, which is lying to the credit of the Trial Court in C.C.No.252 of 2012, without notice to the petitioner.

Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Sessions Judge, Thoothukudi, Thoothukudi District.
- 2.The Judicial Magistrate/Fast Track Court
[Magisterial Level], Kovilpatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.A.THIRUVADIKUMAR, Advocate in SR.No. 26678

+1cc to MR.B.RAJESH SARAVANAN, Advocate in SR.No.27006

Nb

SR/PRV : 15.06.2015 : 2p/6c

ORDER MADE IN
CRL.RC.(MD)No.667 of 2013
& MP(MD)No.1 of 2015
DATED - 01.06.2015