



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

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Cr1.R.C.(MD)NO.879 of 2013
and MP(MD).No.1 of 2015

P.Ganesa Moorthy @ Moorthy .. Revision Petitioner/Accused

Vs

N.Ramakrishnan .. Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the judgment dated 30.09.2013 made in Cr1.A.No.7 of 2012 passed by the IIInd Additional District and Sessions Judge, Trichy confirming the judgment in S.T.C.No.1355 of 2008 on the file of the Judicial Magistrate, No.IV, Trichy dated 10.01.2012.

For Petitioner :: Mr.B.Jameel Arasu

For Respondent :: Mr.N.Anandakumar

ORDER

The petitioner is the accused in STC No.1355 of 2008 on the file of the Judicial Magistrate No.IV, Trichy, and the respondent is the complainant in the case. The respondent filed the said case alleging that the petitioner has committed an offence punishable under Section 138 of the Negotiable Instruments Act. The learned Judicial Magistrate, No.IV, Trichy, by judgment dated 10.01.2012 found the petitioner guilty under Section 138 of the Negotiable Instruments Act and accordingly convicted him and sentenced him to undergo simple imprisonment for six months. Challenging the same, the petitioner filed an appeal in Cr.M.P.No.7 of 2012. The learned II Additional District and Sessions Judge, Trichy, by judgment dated 30.09.2013, dismissed the appeal thereby confirming the conviction and sentence imposed by the learned Judicial Magistrate. As against the same, the petitioner is before this Court with this revision.

2. Today, the petitioner and the respondent are present before this Court. They are represented by the respective counsels.

3. The petitioner has filed M.P.No.1 of 2015 under Section 147 of the Negotiable Instruments Act seeking permission to compound the offence with the respondent. The parties have filed a joint compromise memo also, wherein, they have stated that the dispute has been settled between them out of Court and they have compromised the matter and therefore, accepting the said compromise, the petitioner/accused may be acquitted.



4. The parties, who are present before this Court do confirm the same. The learned counsel for the petitioner as well as the respondent would also pray for permission for compounding and to acquit the accused on accepting the said compromise.

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5. Having heard the parties and the learned counsel and having perused the records, I am of the view that the compromise is real and therefore, it is necessary for this Court to permit the parties to compound the offence. Accordingly, permission is granted and consequently on accepting the compromise, the accused is entitled for acquittal.

6. In the result, the Criminal Revision Petition is allowed and the conviction and sentence imposed by the lower Court and confirmed by the lower appellate Court is hereby set aside and the petitioner is acquitted. Consequently connected Miscellaneous Petition is closed. Bail bond, if any, shall stand terminated.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge,
Trichy

2.The Judicial Magistrate, No.IV, Trichy.

3. The Chief Judicial Magistrate, Trichy

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.B.Jameel Arasu, Advocate Sr.No.32024

+1cc to MR.N.Anandakumar, Advocate Sr.No.32075

rr

AA/29.06.2015/ 2p- 7c/

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