

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.1249 of 2015

G.Swaminathan ... Petitioner
(Proprietor, M/s.Gee Ess International)
Vs.
M/s. OML Shipping Agency Pvt Ltd
by its alleged director
P.Thendral ... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned VI Additional Sessions Judge, Chennai, passed in C.A.No.78 of 2013 on 24.11.2015 confirming the judgment of learned VII Metropolitan Magistrate, George Town, Chennai, passed in C.C.No.16478 of 2007 on 11.03.2013.

For Petitioner : Mr.Madusudanan

For Respondent : Mr.S.Pushpakaran

O R D E R

This revision is preferred against two concurrent judgments of Courts below convicting petitioners for offence under Section 138 of the Negotiable Instruments Act and sentencing the petitioner to 6 months S.I. and to pay compensation of Rs.2,60,000/- within a period of one month.

2. Pursuant to the matter being referred to mediation a settlement has been arrived at between the parties as evidenced by joint memo of compromise dated 09.11.2016. Now counsel on either side submits that agreed sum of Rs.2,00,000/- stands paid by the petitioner/accused and received by the respondent/complainant. Parties have also agreed that the sum of Rs.50,000/- deposited by the petitioner/accused to the credit of C.C.No.16478 of 2007 on the file of VII Metropolitan Magistrate, George Town, Chennai, be refunded to the petitioner/accused.

3. In view of the Compromise Memo filed to compound the offence signed by parties as also the respective counsels, this Court is inclined to allow this petition. Accordingly, the Criminal Revision Case shall stand allowed. The offence under section 138 of the Negotiable Instrument Act shall stand

compounded. Petitioner shall stand acquitted in the case. Compromise Memo dated 09.11.2016 filed to compound the offence shall form part of records. Connected miscellaneous petitions are closed.

Learned VII Metropolitan Magistrate, George Town, Chennai is directed to permit withdrawal of sum of Rs.50,000/- to the petitioner upon his moving an application there regards.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

kpr

To

1.The VI Additional Sessions Judge, Chennai,

2.The VII Metropolitan Magistrate, George Town, Chennai

+1cc to Mr.S.Madusudanan, Advocate sr.74818

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