

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.R.C.No.1351 of 2015

&

M.P.Nos.1 and 3 of 2015

Madhaiyan

... Revision Petitioner

Vs.

N.Amirthalingam

... Respondent

Criminal Revision Case filed under Sections 397(1) and 401 of the Code of Criminal Procedure to call for the records relating to judgment dated 05.12.2015 made in C.A.No.07 of 2014 on the file of the Additional Sessions Judge, Dharmapuri, confirming the judgment dated 28.10.2013 made in S.T.C.No.26 of 2012 on the file of the Judicial Magistrate (FTC), Dharmapuri and set aside the same.

For Petitioner : V.Rajamohan

For respondent : Mr.D.Nellaiappan

O R D E R

The accused is the revision petitioner.

2. This matter arose out of a cheque bouncing case in S.T.C.No.26 of 2012. The learned Judicial Magistrate (FTC), Dharmapuri found the accused guilty under section 138 of Negotiable Instruments Act and sentenced him to 15 months S.I. and fined Rs.5000/- i/d 2 months S.I.

3. The Criminal Appeal in C.A.No.7 of 2014 preferred by him has been dismissed by the learned Additional Sessions Judge, Dharmapuri confirming the conviction and sentence recorded by the Trial Court.

4. This revision is challenging the legality of the conviction and sentence recorded by both the Courts below.

5. In this revision some developments took place. A compounding petition has been presented. The cheque amount is Rs.6,00,000/- . Rs.5,00,000/- has been paid to the respondent by way of DD. Rs.1,00,000/- has been deposited by the accused to the credit of S.T.C.No.26 of 2012 as per the Orders of the Appellate Court in C.M.P.No.480 of 2014.

6. Now the complainant as well as the accused wishes to compound the offence. In the compounding petition, the complainant as well as their counsels have signed. It is stated in the compounding petition that the entire cheque amount of Rs.6,00,000/- has been settled to him.

7. In the circumstances, I am satisfied. Permitted to compound the offence under section 147 of the Negotiable Instruments.

8. Ordered as under :

(i) The revision petitioner/accused and the respondent/ complainant are permitted to compound the offence under section 138 Negotiable Instruments Act.

(ii) Consequently, the conviction and sentence recorded in S.T.C.No.26 of 2016 by the learned Judicial Magistrate (FTC), Dharmapuri as confirmed by the learned Additional Sessions Judge, Dharmapuri in C.A.No.7 of 2014 are set aside.

(iii) The complainant is permitted to withdraw Rs.1,00,000/- lying in Court deposit in S.T.C.No.26 of 2012 on the file of the learned Judicial Magistrate (FTC), Dharmapuri.

(iv) The revision petitioner shall be refunded the fine amount of Rs.5000/- paid by him in S.T.C.No.26 of 2012.

9. Accordingly, this revision is disposed of. Consequently, the connected miscellaneous petitions are disposed of.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

vrc

To

1. The Additional Sessions Judge,
Dharmapuri.

2. The Judicial Magistrate (FTC),
Dharmapuri.

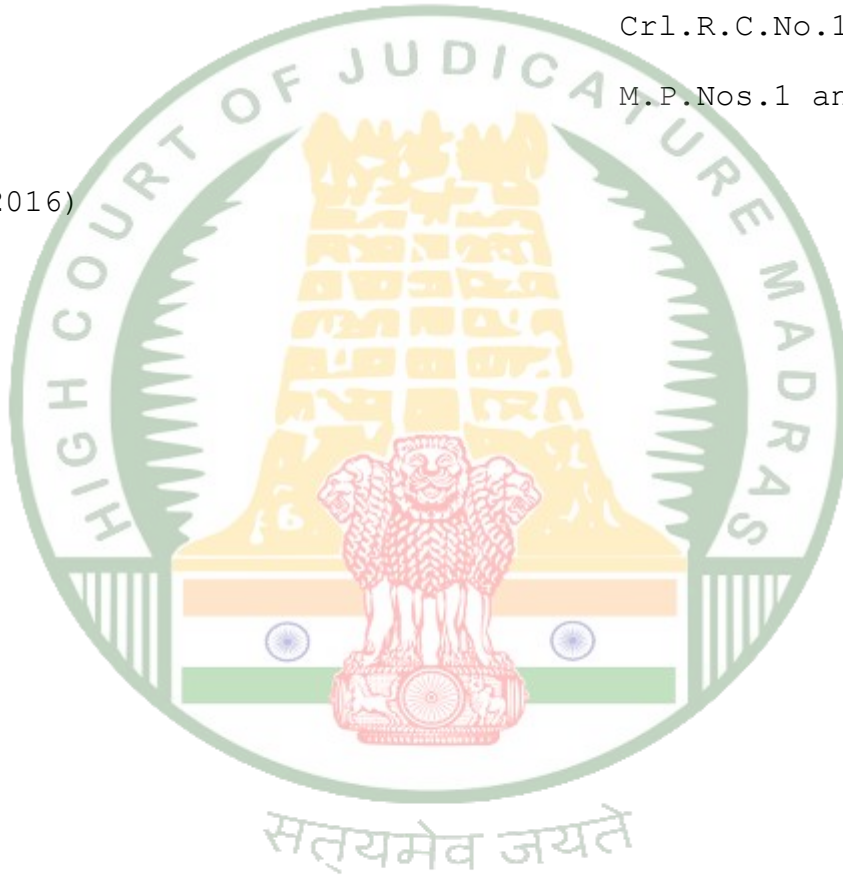
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.D.Nellaiappan, Advocate, S.R.No.22707

+1cc to Mr.N.Mohideen Basha, Advocate, S.R.No.22870

Crl.R.C.No.1351 of 2015
&
M.P.Nos.1 and 3 of 2015

MP (CO)
CA (27/04/2016)



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