

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.1365 of 2015

M.V.Raju

... Petitioner/Accused

//vs//

V.Ravi

... Respondent/complainant

Prayer: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure praying to call for the records pertaining to the Judgment dated 01.10.2015 made in C.A.No.70 of 2014 on the file of Learned Principal Sessions Judge, Krishnagiri, confirming the Judgment dated 22.09.2014 in STC.No.92 of 2013 passed by the Learned Judicial Magistrate Fast Track Court, Hosur and set aside the same.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.M.Krishnamurthy

* * * *

ORDER

The petitioner is an accused in S.T.C.No.92 of 2013 on the file of the Judicial Magistrate, Hosur and he stood convicted for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for 6 months and to pay a sum of Rs.2,00,000/- as compensation. Challenging the same, the petitioner had preferred an appeal in C.A.No.70 of 2014 on the file of the I Additional District and sessions Court, Krishnagiri. The lower appellate Court , by judgment dated 01.10.2015, confirmed the conviction and sentence and dismissed the appeal. Challenging the same, the present revision has been filed.

2. Earlier, the matter has been referred to the Lok Adalath and in the Lok Adalath, the parties have settled the dispute and the petitioner has agreed to pay a sum of Rs.1,35,000/- in 3 installments and the lok adalat also recorded the said settlement by an order dated 10.09.2016, but the petitioner did not comply with the order.

3. Subsequently, the matter was posted today for hearing. Today, both the petitioner/accused and respondent/complainant are present before this Court along with their respective counsels and submitted that the the respondent/complainant had received a sum of

Rs.1,35,000/-. When this Court enquired, the respondent/complainant had agreed that he has received a sum of Rs.1,35,000/- and he is not willing to continue the criminal case and also willing to compound the offence, as they have settled the matter among themselves.

4. Taking into consideration the fact that since the parties have settled the dispute between themselves and as the offence is also compoundable, and the respondent is not willing to proceed with the criminal case, the conviction and sentence imposed by the courts below are liable to be set aside and the offence to be compounded.

5. In the above circumstances, the conviction and sentence imposed on the petitioner by the Courts below are set aside and the offence under Section 138 Negotiable Instruments Act is compounded.

6. With the above observations, the Criminal Revision Case is disposed of.

25.04.2017

mrp

Index : yes /no

Internet : yes/no

Speaking order/Non-speaking order

V.BHARATHIDASAN, J.

mrp

To

1. The Learned Principal Sessions Judge,
Krishnagiri.
2. The Judicial Magistrate,
Fast Track Court, Hosur.

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