

Bail Slip

The Accused/Petitioner Viz A. Kunjammal, W/o. Magesh was directed to be released on bail as per order of this Court in MP.NO.1 of 2012 in Crl.R.C.No.104 of 2012, dated 27.01.2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.104 of 2012

A.Kunjammal ... Petitioner/Accused

Vs.

M/s.Kamalesh Auto Investments
Proprietor M.Milap Chand Nahar,
No.153, Vellalar Street,
Purasaiwakam,
Chennai-7. ... Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 & 401 of the Code of Criminal Procedure, praying to set aside the conviction and sentence dated 29.10.2011 passed in CA.No.20 of 2010 on the file of the III Additional District and Sessions Court, Chennai, confirming the order passed in CC.NO.2690 of 2002 dated 10.02.2010 by the learned II Metropolitan Magistrate, Egmore, Chennai and acquit the appellant.

For Petitioner : Mr.S.Conscious Ilango

For Respondent : Mr.P.Venkatesan

ORDER

The revision petitioner herein is an accused in C.C.No.2690 of 2002 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai. The respondent herein has filed a private complaint against the petitioner/accused before the trial Court. The petitioner/accused stands convicted by the learned Magistrate for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months. The said conviction and sentence was confirmed by the III Additional District and Sessions Judge, Chennai in C.A.No.20 of 2010, on 29.10.2011. Challenging the said conviction and sentence, the petitioner is before this Court with this criminal revision.

2. The learned counsel appearing for the petitioner would submit that now the matter has been compromised between the petitioner/accused and the respondent/complainant and the respondent/complainant is ready to compound the offence against the petitioner/accused.

3. The learned counsel appearing for the respondent/complainant admits that the matter has been settled between the parties.

4. Both the learned counsel appearing for the petitioner and learned counsel appearing for the respondent have filed a joint memo of compromise signed by the petitioner/accused and the respondent/complainant which reads as follows:-

"1. The above revision petition filed challenging the conviction and sentence dated 29.10.2011 passed in CA.No.20 of 2010 on the file of the III Additional District and Sessions Court, Chennai confirming the order passed in CC.No.2690 of 2002 dated 10.02.2010 by the learned II Metropolitan Magistrate, Egmore, Chennai.

2. Subsequent to the filing of the above revision, the petitioner and the respondent have entered into a compromise and accordingly a demand draft for a sum of Rs.65,000/- (Rupees Sixty five thousand only) (demand draft No.534231 dated 15.06.2016 drawn on Indian Bank, Asiatic Colony Branch, Chennai, favouring Mr. Milapchand Nahar, Chennai-79, the respondent herein) was taken and the Xerox Copy of the same was already handed over to the respondent, who has now entered appearance through his counsel, now ready to settle the issue amicably by receiving the demand draft for the said sum of Rs.65,000/- before this Hon'ble Court and has no objection in allowing the above Criminal Revision case in CrI.Rc.No.104 of 2012 pending on the file of this Hon'ble Court.

3. In view of the above, this Hon'ble Court may kindly be permit the petitioner and the respondent to compound the issue involved in the above revision petition in CrI.RC.No.104 of 2012 pending on the file of this Hon'ble Court."

5. This Court has considered the submissions made by both parties and perused the averments made in the Joint memo of compromise filed by them.

6. According to the respondent/complainant, both the parties have entered into compromise and the complainant had received the Demand Draft for Rs.65,000/-.

7. In view of the above said fact, the respondent/complainant is permitted to compound the offence against the petitioner/accused.

8. As the offence has been compounded, this Criminal Revision Case is allowed and the conviction and sentence imposed on the petitioner/accused in C.C.No.2690 of 2002 by the learned II Metropolitan Magistrate, Egmore, Chennai is set aside and the petitioner/accused is acquitted from the charge. The bail bond executed, if any, shall stand cancelled and the fine amount, if any, paid by the petitioner/accused shall be refunded to her.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Judge, Chennai
2. The II Metropolitan Magistrate, Egmore, Chennai

1 cc to Mr.S. Conscious Ilango, Advocate Sr.39046

Crl.R.C.No.104 of 2012

EVR(CO)
Eu 01.08.2016

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