

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

CRIMINAL REVISION CASE No.311 of 2016

and

C.M.P.No.2077 of 2016

A.P.Manimaran .. Petitioner/Accused

vs.

M.Gopi ..Respondent

Criminal Revision Case filed under Sections 397 and 401 of Code of Criminal Procedure against the judgment dated 22.01.2016 passed in Criminal Appeal No.115 of 2015 on the file of the learned III Additional District Judge, Salem confirming the conviction and sentence passed in S.T.C.No.20 of 2014 dated 08.07.2015 on the file of the learned Judicial Magistrate (Fast Track Court), Athur and praying to set aside the conviction and sentence passed under Section 138 of the Negotiable Instrument Act and acquit the petitioner.

For Petitioner ... Ms.JayasriBaskar

For Respondent ... Mr.K.V.Shanmuganathan

O R D E R

This Criminal Revision Case is filed against the judgment dated 22.01.2016 passed in Criminal Appeal No.115 of 2015 on the file of the learned III Additional District Judge, Salem confirming the conviction and sentence passed in S.T.C.No.20 of 2014 dated 08.07.2015 on the file of the learned Judicial Magistrate (Fast Track Court), Athur.

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 also admits that the matter has been settled between the parties.

4. The learned counsel appearing for the petitioner and the learned counsel appearing for the respondent have jointly filed a Joint memo of compromise dated 10.09.2016 to compound the offence, wherein the petitioner, the respondent and their respective counsel have signed.

5. This Court has considered the submissions made by both the parties and perused the averments made in the Joint Memo of Compromise filed by them. The relevant portion of the Joint Memo of Compromise is extracted hereunder:

"It is respectfully submitted that at the intervention of elders and wellwishers of both the revision petitioner and the respondent, the matter had been settled amicably between them. It is humbly stated that the revision petitioner had paid a sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only) in cash to the respondent and the respondent had received the same in full and final settlement of the amount concerned in Cheque No.970670 dated 28.01.2014 in S.T.C.No.20 of 2014 on the file of the Judicial Magistrate (Fast Track Court), Athur on 07.09.2016. The above settlement may kindly be recorded and posted before the Court for suitable orders, since the respondent has no other claim against the revision petitioner.

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

7. As the offence has been compounded, this Criminal Revision is Case is allowed and the conviction and sentence imposed on the petitioner/accused in S.T.C.No.20 of 2014 by the learned Judicial Magistrate (Fast Track Court), Athur are 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 them. The Joint Memo of Compromise dated 10.09.2016 to compound the offence is hereby recorded and the

same shall form part of the order. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

cla

To

1.The learned III Additional District Judge,
Salem.

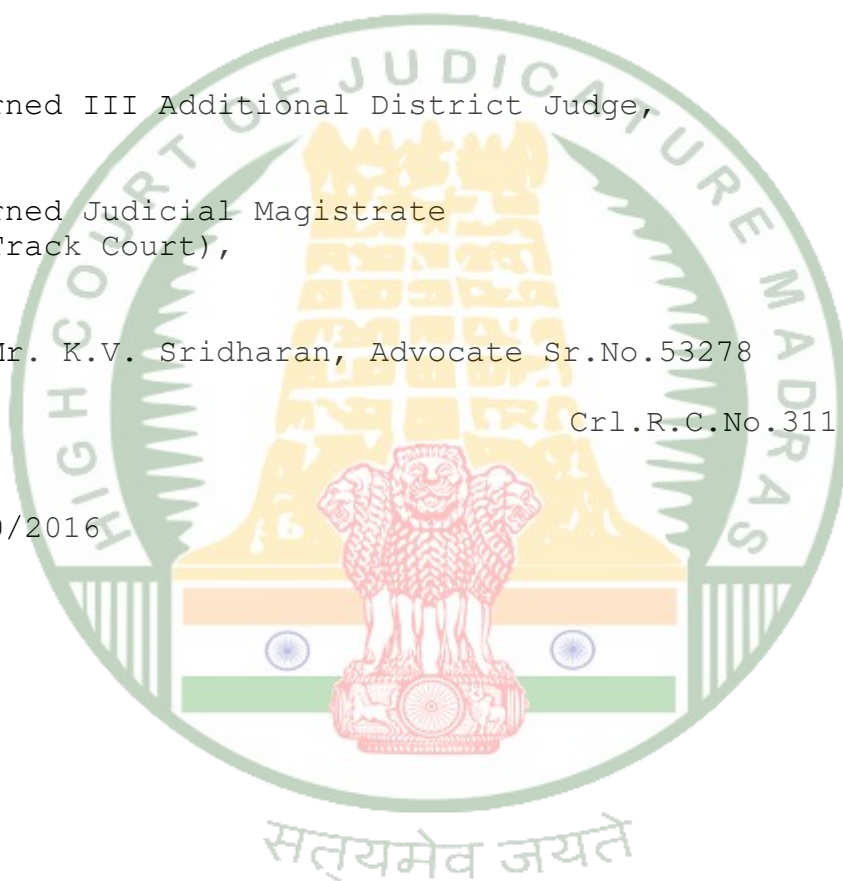
2.The learned Judicial Magistrate
(Fast Track Court),
Athur.

+1 CC to Mr. K.V. Sridharan, Advocate Sr.No.53278

Crl.R.C.No.311 of 2016

NM (CO)

MD : 04/10/2016



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