

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

Criminal Revision No.1307 of 2017

and

Crl. MP Nos.12719 , 12720 and 12721 of 2017

K.S. Murgesan ... Petitioner /Appellant/Accused

Versus

K.Saravanan ...Respondent/Complainant

Criminal Revision Petition filed under Section 397 read with 401 of Criminal Procedure Code to set aside the order made in Crl. A. No.53 of 2015 on the file of IVth Additional District and Sessions Court, Erode District at Bhavani, dated 24.11.2016 confirming the order in the STC No.107 of 2014 on the file of Judicial Magistrate, Bhavani, dated 29.05.2015.

For Petitioner : Mr. A.Sundaravadhanan

For Respondent : M/s.P.T. Ramadevi
for M/s.B.Singaravelu

ORDER

This Revision has been filed by the accused / petitioner aggrieved by the Judgment made in Crl. A. No.53 of 2015 on the file of the IV Additional District and Sessions Court, Erode District at Bhavani, dated 24.11.2016 confirming the order in the STC No.107 of 2014 on the file of learned Judicial Magistrate, Bhavani, dated 29.05.2015.

2. Heard the learned counsel appearing on both sides.

3. In STC No.107 of 2014, the accused was found guilty under Section 138 of Negotiable Instrument Act and he was sentenced to undergo imprisonment for a period of six months, and to pay a fine of Rs.5,000/- in default to undergo two months Simple Imprisonment. The order passed by the learned Judicial Magistrate, Bhavani was confirmed by the learned IV Additional District and Sessions Judge, Erode District at Bhavani, in Criminal Appeal No.53 of 2015, dated 24.11.2016. Challenging

the same the revision petition has been filed by the accused.

4. The learned counsel appearing on both sides produced the receipt issued by the complainant / respondent herein by Saravanan, wherein it is stated that the complainant has received a sum of Rs.2,00,000/- and therefore it is submitted by the learned counsel for the parties that based on the discharge receipt, this Court may pass further orders revoking the order passed by the appellate Court.

5. Parties are not present before this Court, today. However, the learned counsel on both sides have made an endorsement to the effect that this Court relying upon the receipt dated 23.01.2017, may pass further orders, accepting this compromise and acquit the accused.

6. In terms of the above endorsement made by the learned counsel for the parties and in taking into consideration of the discharge receipt, dated 23.01.2017, the order of conviction passed by the learned Magistrate and confirmed by the Appellate Court is set aside and the petitioner is ordered to be acquitted of the charge under Section 138 of Negotiable Instruments Act. This revision is allowed in terms of the endorsement noted above. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. IV Additional District and Sessions Court,
Erode District at Bhavani.

2. The Section Officer,
V.R. Section,
High Court, Madras - 104.

+1cc to Mr. A.Sundaravadhanan, Advocate, S.R.No.75066

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CS/27/02/18