

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM

THE HONOURABLE DR.JUSTICE.S.VIMALA

CrI.R.C.No.1378 of 2017

R.Manivannan

... Revision Petitioner/
Accused

Vs

1. The State
Rep. by the Public Prosecutor

2. V.Pagathal
Rep. by her Power Agent
V.Ganesan ... Respondents/Complainant

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C. praying to set aside the order of the learned District and Sessions Judge, Coimbatore, in C.M.P.No.2537 of 2017 in C.A.No.302 of 2017 dated 11.10.2017 and suspend the sentence passed in C.C.No.295 of 2013 dated 20.09.2017 on the file of the learned Fast Track Magistrate No.II, Coimbatore.

For Petitioner	:	Mr.S.Saravanan
For R1	:	Mr.V.Arul
		Additional Public Prosecutor
For R2	:	Mr.P.R.Shankar

ORDER

This Criminal Revision Case has been filed by the accused. The second respondent as a complainant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.295 of 2013 before the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore. After the conclusion of the trial, the learned Magistrate has convicted and sentenced the accused to undergo six months simple imprisonment and to pay twice the cheque amount of Rs.25,000/-, i.e. Rs.50,000/- as compensation to the complainant, within one month, in default, to undergo one month simple imprisonment. Aggrieved by the order of the trial Court, the accused preferred an appeal in C.A.No.302 of 2017 before the District and Sessions Judge, Coimbatore, where a petition for suspension of sentence has also been filed. At the time of pronouncing the Judgment, the accused did not appear before the Trial Court and therefore, an application under Section 389(3) of Cr.P.C. seeking to dispense with the sentence for a period of one month has been filed, which has not been accepted by the Trial Court and NBW has been issued against the petitioner. The lower

Appellate Court has also dismissed the petition on the ground that the order passed by the Trial Court has not been obeyed. As against the order passed by the learned District and Sessions Judge, Coimbatore dated 11.10.2017, this revision has been filed.

2. The learned counsel appearing for the accused/revision petitioner has filed a memo today along with a xerox copy of Demand Draft for a sum of Rs.50,000/- drawn in favour of the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore.

3. Learned counsel appearing for the complainant acknowledges receipt of the amount which is towards full and final settlement and there is no further claim as against the accused herein.

4. Under the circumstances, the Criminal Revision Case is ordered in terms of the compromise memo. The parties shall appear before the learned Magistrate with an application for recording the compromise arrived at between them. On such application being filed, it is open to the learned Magistrate to pass further orders in terms of the compromise.

(XEROX COPY OF MEMO AND D.D. ENCLOSED)

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

ogy/GLN

To

1. The Judicial Magistrate,
Fast Track Court No.II, Coimbatore.
2. -do- Thro The Chief Judicial Magistrate,
Coimbatore
3. The District and Sessions Judge,
Coimbatore.
4. The Section Officer,
Criminal Section, High Court, Madras

+1 cc to Mr.P.R.Balasubramanian, Advocate SR.NO. 82275

+1 cc to Mr.S.Saravanan, Advocate SR.NO. 82264

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KK(CO)
JK 30/01/18