

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

Crl. Revision Case No.148 of 2017
and
Crl.M.P.No.1632 & 1634 of 2017

P.Amutha

.. Petitioner/Accused

Versus

1. P.Prakash

.. Respondents/Complainant

2. The State by
Public Prosecutor,
Erode District.

.. 2nd Respondent/2nd Respondent

Criminal Revision Case filed under Section 397(1) r/w 401 of the Criminal Procedure Code to set aside the Judgment dated 08.12.2016 passed by the learned Additional District and Sessions Judge, Erode in Criminal Appeal No.147 of 2015 confirming the Judgment dated 12.10.2015 in S.T.C.No.8 of 2015 on the file of the Judicial Magistrate (Fast Track Court) No.I, Erode, by allowing the present Criminal Revision Petition.

For Petitioner : Mr.B.Jagannath

For 1st Respondent : Mr.S.Lakshmanasamy,

For 2nd Respondent : Mr.R.Ravichandran,
Gov. Advocate (Crl.Side)

ORDER

The petitioner herein is the accused in S.T.C.No.8 of 2015 on the file of the Judicial Magistrate Court, Fast Track Court No.I, Erode. He stood charged for the offence under Section 138 of the Negotiable Instruments Act. The trial Court, by judgment dated 12.10.2015, convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of 15 days.

2. Challenging the conviction and sentence, the petitioner/accused had preferred an Appeal in CrI.A.No.147 of 2015 on the file of the I Additional District and Sessions Court, Erode and the lower appellate Court confirmed the conviction and sentence and dismissed the appeal by Judgment dated 08.12.2016. Now challenging the same, the present revision has been filed.

3. Today, when the matter is taken up for hearing, both the parties appeared and have filed a memo to compound the offence on the ground that the petitioner and the respondent entered into an agreement. Pursuant to the same, the respondent / complainant received a sum of Rs.3,50,000/- (Rupees Three lakh and fifty thousand) by way of cash and they have settled the dispute between themselves and the respondent/complainant is not willing to proceed with this case further.

4. When this Court enquired the respondent/complainant, he has stated that he has received a sum of Rs.3,50,000/- and he is not willing to proceed with the case.

5. Taking into consideration the fact that the parties have settled the dispute between themselves and as the offence is also compoundable, the conviction and sentence imposed by the trial court are liable to be set aside and the offence to be compounded.

6. 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.

7. With the above observations, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp/ aav

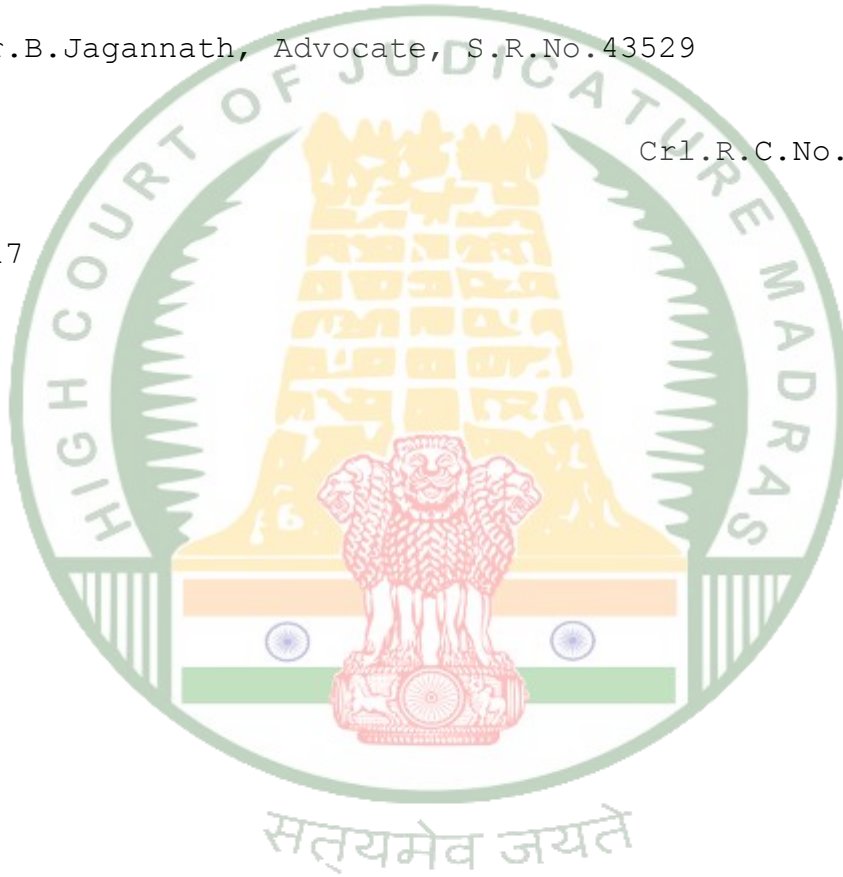
To

- 1) The First Additional District and Sessions Judge,
Erode
- 2) The Judicial Magistrate Fast Track Court No.I,
Erode.
- 3) The Public Prosecutor,
High Court,
Chennai.

+2cc to Mr.B.Jagannath, Advocate, S.R.No.43529

Cr1.R.C.No.148 of 2017

MP (CO)
CS/23/06/17



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