

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.1365 of 2014

Sathish @ Arunachalam

... Petitioner

Vs

R.Subhash

... Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. to call for the records pertaining to the Judgment dated 27.11.2014 in C.A.No.11 of 2013 on the file of the learned Principal Sessions Judge, Dharmapuri, by confirming the order dated 28.02.2013 in S.T.C.No.87 of 2011 passed by the learned Judicial Magistrate cum Fast Track Court, Dharmapuri and set aside the same by allowing the above criminal revision case.

For Petitioner : Mr.B.Sundarapandian
For Respondents : Mr.C.Kulanthaivel

O R D E R

This criminal revision case has been filed against the order of conviction. The accused, in S.T.C.No.87 of 2011, on the file of the learned Judicial Magistrate cum Fast Track Court, Dharmapuri, is petitioner herein. He stood charged for the offence under Section 138 of Negotiable Instrument Act. After trial, the trial Court convicted the petitioner/accused and sentencing him to undergo six months simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month. Challenging the above said conviction and sentence, the petitioner has filed a Criminal Appeal in C.A.No.11 of 2013 on the file of the learned Principal Sessions Judge, Dharmapuri. The lower appellate Court, by its judgment dated 27.11.2014, dismissed the appeal, confirming the order passed by the Trial Court. Challenging the above said conviction and sentence, the petitioner preferred this present criminal revision case.

2. Today, when the matter was taken up for hearing, the respondent/complainant appeared before this Court and filed a petition under Section 147 of Negotiable Instrument Act r/w

Section 320 Cr.P.C. to compound the offence on the ground that the parties have settled the dispute between themselves, and he has also received a sum of Rs.2,00,000/- (Rupees two lakhs only) from the petitioner/accused.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent/complainant and perused the materials available on record.

4. Taking into consideration the fact that the parties have settled the dispute and the respondent/complainant is not willing to proceed with the case, and he wanted to compound the offence on the ground that the petitioner/accused paid a sum of Rs.2,00,000/- (Rupees two lakhs only) to the complainant, the parties are permitted to compound the offence.

5. Since the matter has been settled between the parties and the offence is also compoundable, I am inclined to compound the offence and the conviction and sentence imposed by the Courts below is hereby set aside.

6. In the result, This Criminal Revision Case is allowed. The conviction recorded and the sentence awarded on the Petitioner by the learned Judicial Magistrate cum Fast Track Court, Dharmapuri in STC.No.87 of 2011 dated 28.02.2013 which was confirmed by the learned Principal Sessions Judge, Dharmapuri in C.C.No.11 of 2013 dated 27.11.2014 are set aside and the offence is compounded. The Superintendent, Central Prison, Vellore is directed to release him forthwith, if his further custody is no longer required in connection with any other case. Fine amount, if any paid by the petitioner shall be refunded to him.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Sessions Judge Court, Dharmapuri
- 2 The Judicial Magistrate cum Fast Track Court Dharmapuri
- 3 The Judicial Magistrate I, Dharmapuri
- 4 " Through Chief Judicial Magistrate, Dharmapuri
- 5 The Superintendent, Central Prison, Vellore
- 6 The District Collector, Dharmapuri

7 The Director General of Police, Tamil Nadu, Mylapore, Chennai
8 The Public Prosecutor,
High Court, Madras

+lcc to Mr. B.Sundarapandiyam, Advocate, S.R.No.24946

ssi(CO)
md(25/04/2017)

Crl.RC.No.1365 of 2014



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