

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.302 of 2017
and
Crl.M.P.No.5154 and 2925 of 2017

E.Kandasamy

... Petitioner

Vs.

S.S.Eswara Moorthi

... Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.C. to call for the records in C.A.No.79 of 2015 dated 26.09.2016 on the file of the I Additional District and Sessions Judge, Tiruppur and partly allowing the judgment of the Judicial Magistrate, (FTC), Tiruppur, in C.C.No.264/2013 dated 22.07.2015 by set aside the conviction against A1 and A3 confirmed against the petitioner/A2.

For Appellant : Mr.P.S.Kothandaraman
For Respondent : Mr.M.Selvam

ORDER

There are totally three accused in C.C.No.264 of 2013 on the file of the Judicial Magistrate, Fast Track Court, Tiruppur, wherein A1 to A3 were found guilty of offence under section 138 N.I.Act and sentenced them to undergo one year simple imprisonment and to pay a fine of Rs.1000/- in default to undergo one month simple imprisonment. Challenging the same, they filed an appeal in C.A.No.79 of 2015, on the file of the I Additional District and Sessions Judge, Tiruppur. The lower Appellate Court acquitted A1 and A3 and convicted A2 alone. Challenging the above said order of conviction, the petitioner/A2 has filed this revision.

2.Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the matter has been settled between the parties and the respondent/complainant also filed a petition to compound the sentence. Both the complainant and the accused were present before the Court today and the respondent/complainant also accepted the receipt of the amount.

3.Since it is a compoundable offence and the parties have settled between themselves and also filed a petition to compound the offence, the offence is compounded and consequently the conviction and sentence is set aside. Therefore, the Crl.M.P.No.5154 of 2017 is allowed. Criminal Revision is disposed of in terms of compromise entered into between the parties. Consequently, Crl.M.P.No.2925 of 2017 is also closed.

xerox copy of memorandum of compromise attached.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rm

To

1. The Judicial Magistrate-I FTC
Tirupur.
2. The I Additional District and Sessions Judge,
Tirupur.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M. Selvam, Advocate Sr. 21847

+1cc to Mr.P.S. Kothandaraman, Advocate Sr. 21876

Criminal Revision No.302 of 2017
and

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SSI(CO)
VR(21/4/2017)

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