

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.351 of 2017 and
Crl.M.P.Nos. 3355 & 7613 of 2017

M.Suresh ... Petitioner/Appellant/Accused

//vs//

1. G.Manian

2. The State:
represented by Public Prosecutor,
Coimbatore District,
Coimbatore. ... Respondents/Respondents/Complainant

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure to set aside the Judgment dated 14.12.2016 passed in C.A.No.46 of 2016 on the file of the III Additional District and Sessions Judge, Coimbatore, confirming the Judgment passed in C.C.No.154 of 2013 dated 08.03.2016 on the file of the Judicial Magistrate (Fast Track Court) No.II, Coimbatore.

For Petitioner : Ms.M.Subha

For 1st Respondent : Mr.S.Veeraraghavan

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

ORDER

The petitioner is an accused in C.C.No.154 of 2013 on the file of Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore for an offence under Section 138 of Negotiable Instruments Act. The trial court by judgment dated 08.03.2016, convicted the petitioner and sentenced him to undergo simple imprisonment for 5 months and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for 3 weeks. Challenging the same, the petitioner preferred an appeal in C.A.No.46 of 2016 on the file of the III Additional District and Sessions Judge, Coimbatore. The lower appellate court

dismissed the appeal and confirmed the order of conviction and sentence passed by the trial court by a judgment dated 14.12.2016. Challenging the same, the present revision has been filed.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the matter has been settled between the parties and he has also filed a petition in Crl.M.P.No.7613 of 2017 for compounding the offence.

3. Today, both the petitioner/accused and respondent/complainant are present before this Court along with their respective counsels. When this Court enquired, the respondent/complainant, he has agreed that he had received a sum of Rs.70,000/- from the petitioner and he is also willing to compound the offence and he is not willing to continue with the criminal case, as they have settled the dispute among themselves.

4. Taking into consideration the fact that the parties have settled the dispute between themselves and as the offence is also compoundable, the order of conviction and sentence passed by the courts below are liable to be set aside and the offence to be compounded.

5. The learned counsel for the petitioner submits that since the offence has been compounded, the petitioner is entitled to get the refund of the fine amount.

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. The trial court is directed to refund the fine amount of Rs.1000/- paid by the petitioner C.C.No.154 of 2013.

7. With the above observations and directions, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition in Crl.M.P.No.3355 of 2017 is closed and Crl.M.P.No.7613 of 2017 is ordered accordingly.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1. The III Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court,
Coimbatore.
3. The Public Prosecutor,
High Court,
Madras.

+1cc Mr.S.Veeraraghavan, Advocate in sr.no.43379

+1cc M/s.M.Subha, Advocate in sr.no.43055

CrI. Revision Case No.351 of 2017
and CrI.M.P.Nos. 3355 & 7613 of 2017

GJII

NR 30/06/2017



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