

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.636 of 2017  
and

Crl.M.P.Nos.5741 & 5742 of 2017

1. Metro Silks and Sarees  
by its partner M.J.Betty
2. M.J. Betty,  
S/o. Joseph,  
Partner of Metro Silk & Sarees,  
Both at J.N.Angamali,  
Ernakulam District,  
Kerala - 683 572 ... Petitioners/A1 & A2

//vs//

Mr.V.Sadasivam,  
S/o. Venkatarama Chettiar,  
Prop. M/s. Jaya Silks,  
Previously at 3/63 Main Bazaar,  
Kondalampatty, Salem - 636 010  
Now at 39/16,  
Selva Vinayagar Koil Street,  
Kondalampatty,  
Salem- 636 010 ... Respondent/complainant

Prayer: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure to set aside the judgment dated 05.04.2017 made in Crl.R.C.No.27 of 2016 passed by the III Additional District and Sessions Judge, Salem.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Mr.G.S.Chandragupthan

ORDER

The petitioners are accused in S.T.C.No.49 of 2007 on the file of the Judicial Magistrate No.V, Salem for an offence under Section 138 of Negotiable Instruments Act. The trial Court, by judgment dated 03.03.2013, convicted the second petitioner and sentenced him to undergo simple imprisonment for

6 months and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for 3 weeks. Challenging the same, the petitioners preferred an appeal in C.A.No.35 of 2016 and the respondent/complainant also filed a Crl.R.C.No.27 of 2016 for seeking compensation on the file of the III Additional Sessions Court, Salem. The lower appellate Court dismissed the appeal filed by the petitioners/accused, however, allowed the revision filed by the complainant and ordered compensation of Rs.14,26,000/- to the complainant. 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 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 has agreed that he had received the entire cheque amount and he is also willing to compound the offence, 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 conviction and sentence and also the compensation awarded 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 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.5000/- paid by him in S.T.C.No.49 of 2007.

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

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The III Additional District and Sessions Judge,  
Salem.
2. The Judicial Magistrate No.V,  
Salem.

+lcc to M/S.K.V.Sridharan, Advocate Sr.25213

+lcc to M/S.G.S.Chandragupthan, Advocate Sr.25215

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srg 29/05/2017



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