

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.637 of 2017

and

Crl.M.P.Nos.5743 & 5744 of 2017

1. Metro Silks and Sarees
rep by its Partner M.P.Betty
2. M.J. Betty Petitioner/A1 & A2

//vs//

V. Sadasivam Respondent/complainant

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure to set aside the Judgment dated 05.04.2017 passed in C.A.No.35 of 2016 on the file of the III Additional District and Sessions Judge of Salem, confirming the Judgement passed in S.T.C.No.49 of 2017 dated 03.03.2016 on the file of the Judicial Magistrate No.V, 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 order of conviction and sentence, 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 matter 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 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.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/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The III Additional District and Sessions Judge,
Salem.

2. The Judicial Magistrate No.V,
Salem.

+1cc to M/S.K.V.Sridharan, Advocate Sr.25216

+1cc G.S.Chandragupthan, Advocate Sr.25214

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