

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Crl.R.C.No.757 of 2017
and
Crl.M.P.No.10721 of 2017

Sakthi Hitech Design,
 Rep.by its Proprietor
 M.A.Govindaraj,
 S/o. Arumuga Mudaliar,
 No.15, P.K.R.Layout,
 4th Street, Perichipalayam,
 Tiruppur District.

... Petitioner

Vs.

The Art Farmers,
 Rep.by its Managing Director,
 R.B.Subburaj,
 S/o.R.Bommayasamy,
 No.825, Mettupalayam Road,
 R.S.Puram,
 Coimbatore District.

... Respondent

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. to set aside the order of the appellate Court in C.A.No.96 of 2015 dated 03.01.2017 on the file of the learned IV Additional District and Sessions Judge, Coimbatore confirming the order of the Trial Court in C.C.No.212 of 2011 dated 09.04.2015 on the file of the learned Judicial Magistrate F.T.C. at Magistrate Level-I Coimbatore District by allowing this revision.

For Petitioner : Mr.V.Chinnasamy
For Respondent : Mr.K.S.Srigiri Prasath

ORDER

This revision case has been filed against the order of conviction made in judgment dated 09.04.2015 in C.C.No.212 of 2011 on the file of the learned Judicial Magistrate F.T.C. at Magistrate Level-I, Coimbatore, as confirmed in C.A.No.96 of 2015 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, by judgment dated 03.01.2017.

2. By the said judgment of the trial Court, the petitioner has been sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.1,50,000/- and in default to undergo three months simple imprisonment. The said judgment has been confirmed by the appellate Court in the appeal filed by the petitioner. The above conviction was given, in the case of a complaint filed by the respondent/complainant for an offence punishable under Section 138 of the Negotiable Instruments Act.

3. When this revision is pending before this Court, the learned counsel appearing for both sides, in the last hearing, had

submitted that the matter would be settled between the parties and once if it is settled, they would come forward to file joint memo towards compounding the offence.

4. Accordingly, today both the counsel jointly filed a memo, whereby, it is stated that the issue had been settled between the parties on 28.08.2017. Accordingly, the petitioner/accused had paid the entire cheque amount of Rs.1,50,000/- towards full and final settlement to the respondent/complainant, who has acknowledged the receipt of the said amount. Along with the joint memo, the original receipt dated 28.08.2017 given by the respondent/complainant has also been filed, which discloses that the respondent/complainant after having received the sum of Rs.1,50,000/-, the respondent/complainant had given the said receipt in the letter head of the respondent/complainant's firm viz., The Art Framers. In the said joint memo, both the petitioner/accused and the respondent/complainant along with their respective counsel have signed.

5. I have considered the said joint memo filed by the parties. Since the offence punishable under Section 138 of the Negotiable Instruments Act, is compoundable one and the parties have come forward to settle the matter and filed a joint memo

stating that the matter has been settled between the parties and the learned counsel appearing for both sides have also made a joint request for compounding the said offence punishable under Section 138 of the Negotiable Instruments Act, under which the conviction was given by the trial Court as confirmed by the appellate Court, this Court is inclined to pass the following orders:

i) In view of the settlement reached between the parties and after having taken note of the contents in the joint memo filed on behalf of the parties along with the receipt issued by the respondent/complainant to the petitioner/accused and making the said documents as part and parcel of this order, the offence under Section 138 of the Negotiable Instruments Act, for which punishment has been given by the trial Court which has been confirmed by the appellate Court against the petitioner/accused is hereby compounded.

ii) With the result, the judgment and conviction of the trial Court in C.C.No.212 of 2011 on the file of the learned Judicial Magistrate F.T.C. at Magistrate Level-I Coimbatore, as confirmed in C.A.No.96 of 2015 on the file of the learned IV

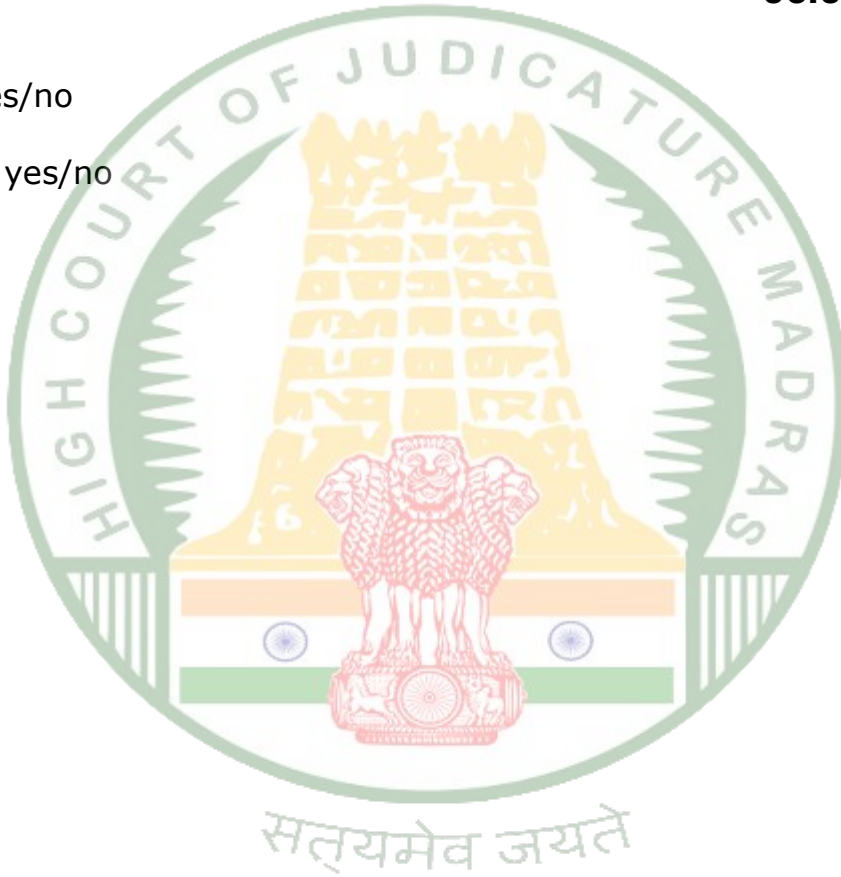
Additional District and Sessions Judge,
Coimbatore, dated 03.01.2017 is set aside and this
revision case is disposed of accordingly.

06.09.2017

Index:yes/no

Internet:yes/no

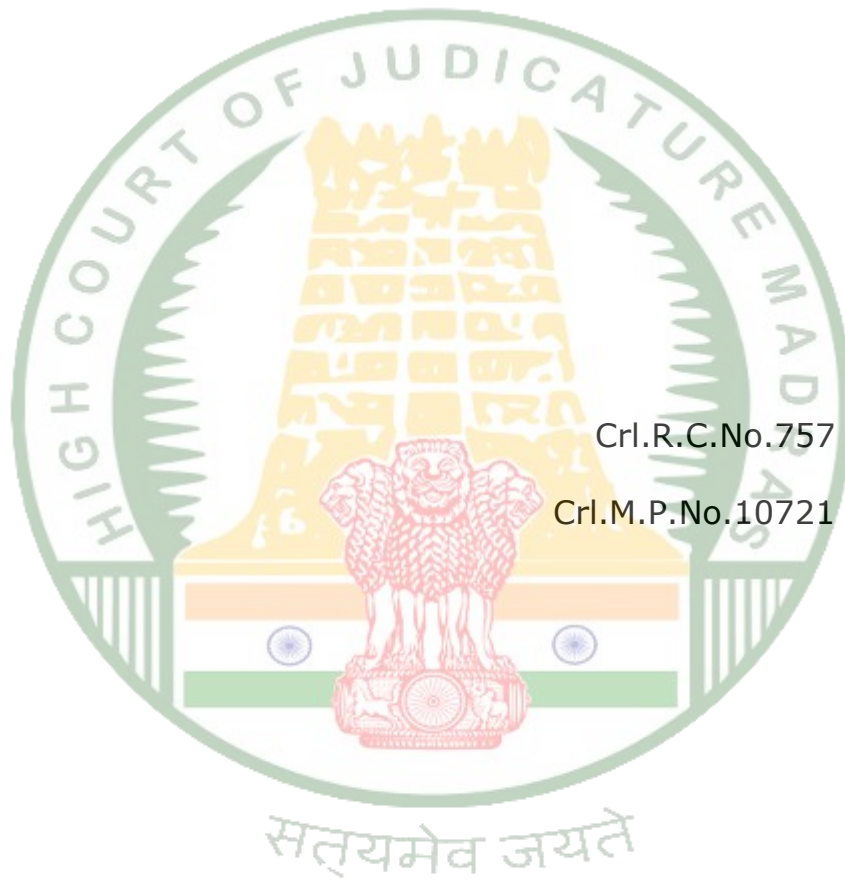
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R. SURESH KUMAR, J

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