

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:05.12.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.716 of 2014 & Crl.M.P.Nos.1 &2 of 2014

Rizwan .Vs. ...Petitioners/Appellants/Accused

1.Pyarejohn (Deceased) ...Respondent/complainant
2.Rahimunnisa
3.Maskarhussain
4.Shameem
5.Anvarhussain

(R2 to R5 are impleaded on the Legal heirs of the deceased respondent as per the order of this Hon' ble court dt.05.12.2017 made in Crl.MP.No.14422/2017 in Crl.RC.no.716/2014)

Prayer: This Criminal Revision petition has been filed under Section 397 & 401 of Cr.P.C to set aside the Judgment dated 03.07.2014 passed in C.A.No.8 of 2012 by the Principal District and Sessions Court, Dharmapuri, confirming the Judgment and sentence in S.T.C.No.163 of 2011 on the file of Judicial Magistrate (FTC) Dharmapuri dated 23.02.2012 and call for the records and acquit the petitioner from all charges.

For Petitioner : Mr.P.Jesus Moris Ravi
For Respondent : Mr.G.George Raja Selvam

O R D E R

This Revision Petition has been filed challenging the order of conviction. The petitioner is the accused in S.T.C. 163 of 2011 for the offence under Section 138 of the Negotiable Instruments Act 1881.

2.The Trial Court convicted the petitioner and sentenced him to undergo one year S.I and pay a compensation of Rs.5,00,000/- vide Judgment dated 23.02.2012. Challenging the above said conviction and sentence, the petitioner filed a criminal appeal before learned Judicial Magistrate(FTC), Dharmapuri in C.A.No.8 of 2012 and vide Judgment dated 03.07.2014 the learned Judicial

Magistrate also confirmed the conviction and sentence and dismissed the appeal. Challenging the conviction and sentence the petitioner filed the present revision.

3.Pending Revision, the respondent/complainant died on 05.11.2016 and the legal heirs of the complainant filed the petition in CrI.MP.No.14422 of 2017 to permit them to continue the revision and also filed a compounding petition in CrI.MP.No.15438 of 2017.

4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner and the respondents submitted that the matter has been settled between the parties and the petitioner paid a sum of Rs.1,50,000/- and stated that he has also filed a petition under Section 138 of the Negotiable Instruments Act to compound the offence.

5.When the matter was taken, both the petitioner/accused and one of the legal heirs by name Unwar Ussain were present and the said Unwar Ussain had stated that he received the amount from the accused and agreed for compounding the offence.

6.Considering the fact that the petitioner and the respondent have settled the dispute between themselves and also filed a petition for compounding offence. I am inclined to set aside the conviction and sentence passed by the Courts below, and compound the offence. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To.

1.The Principal District and Sessions Court, Dharmapuri

2.The Judicial Magistrate(FTC), Dharmapuri

+5cc to Mr.G.George Raja Selvam, Advocate SR.No.87074

PA(CO)

sm:13.3.2018

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