

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

CRL. REVISION CASE Nos.790 & 792 of 2017

Syed Humayun Petitioner in both Crl.Rcs

Vs.

Trivium Icope Technologies Pvt.Ltd.,
 (formerly known as Icope Technologies Pvt.Ltd.,)
 Rep.by its Authorized Representative
 M.Rathnakar
 PSS Plaza, 6 Wind Tunnel road,
 Bangalore 17.

... Respondent in both Crl.Rcs.

Prayer: These Criminal Revision Cases have been filed under Section 397 read with 401 of the Code of Criminal Procedure praying to set aside the Judgment dated 15.09.2016 made in C.A.Nos. 256 & 257 of 2014 on the file of the VI Additional Sessions Court, Chennai confirming the Judgment dated 12.09.2014 made in C.C.Nos.3703 & 2463 of 2008 on the file of Metropolitan Magistrate(Fast Track Court No.IV) George Town, Chennai.

For Petitioner : M/s.C.Rajaguru
 For Respondent : Mr.A.Ramkumar for
 M/s.Surana & Surana

ORDER

Both the revision cases are arising out of the order passed by the learned VI Additional Sessions Judge, Chennai in Crl.A.Nos.256 & 257 of 2014

confirming the order passed by the learned Metropolitan Magistrate (Fast Track Court No.IV) George Town, Chennai in C.C.Nos.3703 and 2463 of 2008 respectively. In the said orders, both the Courts concurrently held and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act.

2. At the time of admission of these revision cases, this Court by an order dated 13.06.2017 suspended the substantive sentence of imprisonment including the compensation imposed on the petitioner. This was made mainly on the ground that the offence under Section 138 of Negotiable Instrument Act are compoundable and therefore, towards enabling settlement of the matter between the parties, such order was passed.

3. Pursuant to the said order, notice was issued to the respondent and thereafter it was reported before this Court on 03.07.2017 that settlement has been reached between the parties and therefore, to enable the parties for settling the issue, the parties shall be present before this Court. Thereafter, the matter was adjourned for some times and it was called today.

4. The learned counsel appearing for the petitioner as well as the respondent made a joint request that the issue has been completely settled

between the parties and on the basis of the settlement, the respondent has given a letter of acknowledgment of such settlement on 18.07.2017.

5. The learned counsel would also submit that based on such settlement, a joint memo has also been prepared wherein both the petitioner as well as the respondents have signed along with their respective counsel.

6. In fact, both the petitioner and the respondent appeared before this Court today and acknowledged that the matter has been settled and therefore, the offence can be compounded between the parties.

7. In view of the said plea made by the learned counsel for both sides and the presence of the petitioner as well as the respondent and by taking into account, the letter issued by the respondent on 18.07.2017 followed by a joint memo of compromise entered into between both sides, the following orders are passed :

The offence made out against the petitioner punishable under Section 138 of Negotiable Instrument Act as awarded by the Trial Court i.e. (Fast Track Court No.IV) George Town, Chennai in C.C.Nos.3703 and 2463 of 2008 as confirmed by the VI Additional Sessions Court, Chennai in C.A.Nos. 256 & 257 of 2014

respectively is hereby compounded.

In view of the said compounding of the offence, the impugned Judgment of conviction made by the trial Court as confirmed by the First Appellate Court is hereby set aside.

R.SURESH KUMAR,J

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8. In this regard, the letter dated 18.07.2017 issued by the respondent as well as the joint compromise memo dated 07.08.2017 entered into and signed between the parties shall form part and parcel of this order.

Accordingly, these criminal revisions are disposed of.

07.08.2017

Index:Yes/No
Internet:Yes/No
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To

- 1.The VI Additional Sessions Court, Chennai.
- 2.The Metropolitan Magistrate(Fast Track Court No.IV)
George Town, Chennai.

Crl.R.C.Nos.790 & 792 of 2017