

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.1354, 1355, 1356, 1357, 1358,
1359, 1360, 1361, 1362 and 1363 of 2011

1.M/s.BVV Paper Industries Limited,
Nallur, Saminathapuram,
Palani Taluk, Dindugul District.

2.BVV Krishnaprasad
S/o.Sathyanarayanamurthy ... Petitioners in all revisions

VS

A.Nagaraj
S/o.Arumugam Pillai ... 1st Respondent Crl.R.C.Nos.
1354 to 1358/2011

N.Tirumalaisamy
S/o.Nachimuthu Gounder ... 1st Respondent Crl.R.C.Nos.
1359 to 1363/2011

State represented by
Public Prosecutor,
Coimbatore. ... 2nd Respondent in all revisions

Criminal Revisions filed under section 397 r/w 401 of the Code of Criminal Procedure, against judgments of learned Principal District and Sessions Judge, Coimbatore, passed in C.A.Nos.60, 61, 62, 63, 64, 65, 66, 67, 68 and 69 of 2011 on 16.08.2011 confirming the judgments of learned Judicial Magistrate VIII, Coimbatore, passed in C.C.Nos.103, 104, 105, 106, 107, 108,

109, 110, 111 and 112 of 2006 on 18.03.2010.

For Petitioners : M/s.P.Saravana Sowmiyan

For Respondents : Ms.P.V.Rajeswari [R1]
Mr.V.Arul
Additional Public Prosecutor [R2]

COMMON ORDER

These revisions arise against judgments of learned Principal District and Sessions Judge, Coimbatore, passed in C.A.Nos.60, 61, 62, 63, 64, 65, 66, 67, 68 and 69 of 2011 on 16.08.2011 confirming the judgments of learned Judicial Magistrate VIII, Coimbatore, passed in C.C.Nos.103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 of 2006 on 18.03.2010.

2. Petitioners faced trial in C.C.Nos.103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 of 2006 on the file of learned Judicial Magistrate VIII, Coimbatore, for offences u/s.138 of the Negotiable Instruments Act. On appreciation of materials before it, trial Court, under judgments dated 18.03.2010, rendered a finding of conviction and sentenced second petitioner to 2 years S.I. and fine of Rs.5,000/- i/d 6 months S.I. in each case. Appeals preferred by petitioners/accused in C.A.Nos.60, 61, 62, 63, 64, 65, 66, 67, 68 and 69 of 2011 on the file of learned Principal District and Sessions Judge, Coimbatore, came to be dismissed under judgments dated 16.08.2011. Hence, these revisions.

3. Learned counsel for petitioners submits that the matter stands settled between parties. Learned counsel has also filed Memorandums of Understanding dated 12.09.2016 entered into between second petitioner and first respondents informing of settlement between parties.

4. Learned counsel for first respondents affirm the submission of learned counsel for petitioners viz., that the dispute stands settled between *de facto* complainants and petitioners upon receipt of entire cheque amount (in each case).

In view of Memorandums of Understanding dated 12.09.2016 and petitions filed to compound the offence signed by their respective counsel, this Court is inclined to allow these revisions. Accordingly, these Criminal Revision Cases shall stand allowed. The offences under section 138 of the Negotiable Instrument Act shall stand compounded. Petitioners shall stand acquitted in the cases. Fine, if any, paid shall be refunded. Bail Bonds, if any, executed shall stand cancelled. Memorandums of Understanding dated 12.09.2016 and petitions filed to compound the offence shall form part of records.

C.T.SELVAM, J

gm

Registry is directed to issue certified copies of Memorandums of Understanding dated 12.09.2016 on due applications.

29.08.2017

Index:yes/no

Internet:yes/no

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To

- 1.The Principal District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate VIII,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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