

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.680 of 2011

M.Jalalludeen

... Petitioner/Accused No.2

Selva Gandhi

Vs

... Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code, against the order passed in C.A.No.91 of 2010 by order dated 23.03.2011 on the file of the learned Additional District and Sessions Judge (Fast Track Court No.III), Vridhachalam, confirming the judgment and order of conviction passed in C.C.No.10 of 2006 by order dated 19.07.2010 by the learned 1st Additional District Magistrate Court, Vridhachalam, and prays for setting aside the same.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mrs.Thanga Retha

ORDER

The present criminal revision case has been filed against the order dated 23.03.2011 passed by the learned Additional District and Sessions Judge (Fast Track Court No.III), Vridhachalam, in C.A.No.91 of 2010, confirming the judgment and order of conviction passed by the learned 1st Additional District Magistrate, Vridhachalam, in C.C.No.10 of 2006, on 19.07.2010.

2. Heard the learned counsel appearing for the petitioner/accused and the learned counsel appearing for the respondent/complainant.

3. Today, when the matter is taken up for hearing, the respondent/complainant has filed an affidavit stating that the dispute between the parties is settled out of Court and the said affidavit reads as follows:-

"1. I state that I am the complainant/respondent in the above said CrI.R.C. and originally I filed a complaint under Section 138 of Negotiable Instruments Act against the petitioner before the first Additional District Magistrate, Vridhachalam in C.C.No.10 of 2016 and after the trial the learned Judge was pleased to convict the petitioner on 19.7.2010 and sentenced to undergo six months rigorous imprisonment for the offence under Section 138 of Negotiable Instruments Act, and ordered to pay a compensation of Rs.2,10,000/- in two months in default one month rigorous imprisonment was imposed. Against the judgment the petitioner/accused preferred an appeal in C.A.No.91 of 2010 before the Additional District and Sessions Judge (Fast Track Court No.III), Vridhachalam and on 23.3.2011 the learned Additional District and Sessions Judge (Fast Track Court No.III), Vridhachalam confirmed the sentence and the compensation imposed by the trial Court and dismissed the appeal filed by the petitioner. Aggrieved by the judgment the petitioner filed a CrI.R.C.No.680 of 2011 before this Hon'ble Court and the same is pending.

2. I respectfully submit that when the above mentioned CrI.R.C.No.680 of 2011 pending before this Hon'ble Court. The petitioner, accused in this case viz., M.Jalalludeen came forward to settled the amount in the presence of the well wishers of us and I received the entire amount of Rs.2,10,000/- which is due to me by the accused. Since, I received the entire amount from the accused I don't want to prosecute the petitioner in this case. I have no objection for his acquittal in this case. I further submit that without any threat or coercion I am giving this affidavit.

3. Hence, for the reasons stated above, I have no objection to allow the CrI.R.C.No.680 of 2011 pending before this Hon'ble Court against the sentence imposed in C.C.No.10 of 2006 by the First Additional District Magistrate, Vridhachalam by order dated 19.7.2010 confirming the learned Additional District and Sessions Judge (Fast Track Court No.III), Vridhachalam in C.A.No.91 of 2010 by order dated 23.3.2011."

4. Recording the affidavit filed by the respondent/complainant, this Criminal Revision Case is disposed of. The affidavit dated 11.01.2017 shall form part of the order.

** Xerox copy of Affidavit,
dated 11.01.2017 attached.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Additional District and Sessions Judge,
Fast Track Court No.III,
Vridhachalam.
2. 1st Additional District Magistrate Court,
Vridhachalam.

+1cc to Mr.C.Ramkumar, Advocate, S.R.No.47534

Crl.R.C.No.680 of 2011

GMI (CO)
CS/16/08/17

सत्यमेव जयते

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