

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.819 of 2011

Hari

S/o.Babu Naidu

.. Petitioner/Accused

Vs.

1. State of Tamil Nadu
represented by
The Inspector of Police,
District Crime Branch,
Thiruvallur.
(Crime No.7 of 2003)

..1st Respondent/Complainant

2. Mrs.P.Dathayani
(R2 impleaded as per the order dated 02.02.2017
in CrI.M.P.1525 of 2017)

.. 2nd Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment and conviction dated 17.05.2011 made in C.A.No.5 of 2009 on the file of learned Additional District Judge, (Fast Track Court No.III), Thiruvallur confirming the judgment and conviction dated 12.03.2009 made in C.C.No.96 of 2004 on the file of Judicial Magistrate, Thirutani.

For Petitioner : Mr.C.Saravanan

For Respondents : Mr.V.Arul
APP (R1)
Mr.N.Dilli Babu (R2)

O R D E R

This revision arises against the judgment and conviction dated 17.05.2011 made in C.A.No.5 of 2009 on the file of learned Additional District Judge, (Fast Track Court No.III), Thiruvallur confirming the judgment dated 12.03.2009 made in C.C.No.96 of 2004 on the file of Judicial Magistrate, Thirutani.

2. Prosecution case was that on 21.11.2002, the accused approached Thatchayini and represented to her that he would arrange loan for her daughter's marriage and he induced her to part with Rs.30,000/-. The accused delivered two cheques bearing Nos.219376 and 219377 dated 03.02.2003 drawn on ICICI Bnk, Anna Nagar in favour of the de-facto complainant

and a pronote also was obtained as security. On accused's failure to do as promised or to effect repayment on complaint, a case in Crime No.7 of 2003 was registered for offence u/s.420 IPC. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.96 of 2004 on the file of learned Judicial Magistrate, Tiruttani.

3. Before the trial Court, prosecution examined 6 witnesses and marked 13 exhibits. None were examined on behalf of the defence and nor were any exhibits marked.

4. On appreciation of materials before it, trial Court, under judgment dated 12.03.2009, convicted petitioner/first accused and sentenced him to undergo 3 years R.I. and fine of Rs.1,000/- i/d one month S.I. There against, the petitioner/first accused preferred C.A.No.5 of 2009 on the file of learned Additional District Judge, Fast Track Court No.III, Tiruvallur. Appellate Court, under judgment dated 17.05.2011, confirmed the finding of conviction and sentence of Court below and dismissed the Criminal Appeal. There against, the present revision has been filed.

5. Heard learned counsel for petitioner, learned Additional Public Prosecutor for first respondent and learned counsel for second respondent.

6. The de-facto complainant has been impleaded as second respondent in the present revision petition, pursuant to the order of this Court dated 02.02.2017. The second respondent/de-facto complaint is present before this Court.

7. The case is one where the petitioner/accused is said to have cheated the second respondent/de-facto complainant of a sum of Rs.30,000/- under promise of obtaining a loan. The occurrence is of the year 2002. The parties are related and both have expressed the desire to compound the offence and sought permission of this Court there towards and through the petitioner paying a sum of Rs.50,000/- to the respondent.

8. In the circumstances, this Court permits the compounding of offence tried in C.C. No.96 of 2004 on the file of learned Judicial Magistrate, Tirutani in keeping with Section 320(2) Cr.P.C. The Demand Draft No.124813044100 dated 16.09.2017 drawn on The Karur Vysya Bank Limited, Chennai-Tiruverkadu in favour of second respondent/de-facto complainant in a sum of Rs.50,000/- has been handed over by the learned counsel for petitioner to learned counsel for the second respondent/de-facto complainant.

9. Learned counsel for second respondent/de-facto complainant has made an endorsement in the Court bundle there regards. Learned counsel for petitioner is permitted to correct the name of the second respondent/de-facto complainant in the Court bundle.

10. The Criminal Revision Case shall stand allowed. Case tried in C.C.No.96 of 2004 for an offence under section 420 IPC shall stand compounded. Petitioner shall stand acquitted in the case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmi

To

- 1.The Additional District Judge,
(Fast Track Court No.III),
Thiruvallur.
- 2.The Judicial Magistrate No.III,
Thirutani.
3. The Inspector of Police,
District Crime Branch,
Thiruvallur.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.CS Saravanan, Advocate SR.No.59592

Cr1.R.C.No.819 of 2011

GMI (CO)
GN(08/11/2017)

WEB COPY