

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

Crl. Revision Case No.1352 of 2015

Madhaiyan ... Petitioner/Accused

Versus

N. Rameshbabu ... Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code against the Judgment of the learned Additional District and Sessions Judge, Dharmapuri in Criminal Appeal No.22 of 2013 dated 05.12.2015 affirming the Judgment imposing conviction and sentence by the trial court, namely, the learned Judicial Magistrate (FTC), Dharmapuri in S.T.C.No.128 of 2011 by the Judgment dated 14.03.2013 and revise the same.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.D.Nellaiappan

O R D E R

The revision has been filed against the order of dismissal passed by the learned Additional District and Sessions Judge, Dharmapuri, in Crl.A.No.22 of 2013 dated 05.12.2015.

2. The petitioner herein is the accused in S.T.C.No.128 of 2011 on the file of the Judicial Magistrate Court, Fast Track Court, Dharmapuri. He stood charged for the offence under Section 138 of the Negotiable Instruments Act. The trial Court, by judgment dated 14.03.2013, convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for two months.

3. Challenging the conviction and sentence, the petitioner/accused had preferred an Appeal in Crl.A.No.22 of 2013 on the file of the Additional District and Sessions Court, Dharmapuri and the lower appellate Court confirmed the

conviction and sentence of the trial Court and dismissed the appeal by Judgment dated 05.12.2015.

4. Today, when the matter is taken up for hearing, the parties have filed a petition to compound the offence, stating that the respondent/complainant has received the entire cheque amount of Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) by way of Demand Draft dated 07.04.2017 bearing No.356994, drawn on South Indian Bank, Dharmapuri and he is not willing to prosecute the case further.

5. Today, both the petitioner/accused and respondent/complainant are present before this Court along with their counsels. When enquired, the respondent/complainant also agreed that he had received the entire cheque amount and he is also willing to compound the offence, as they have settled the matter among themselves.

6. Taking into consideration the fact that the parties have settled the dispute between themselves and as the offence is also compoundable, the conviction and sentence imposed by the trial court are liable to be set aside and the offence to be compounded.

7. The learned counsel for the petitioner submits that since the offence has been compounded, the petitioner is entitled to get refund of the fine amount, for which, he also relied upon the order passed by this Court in CrI.R.C.No.1351 of 2015 dated 07.04.2016.

8. In the above circumstances, the conviction and sentence imposed on the petitioner by the Courts below are set aside and the offence under Section 138 Negotiable Instruments Act is compounded. The trial court is directed to refund the fine amount of Rs.5000/- paid by him in S.T.C.No.128 of 2011.

9. With the above observations and directions, the Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

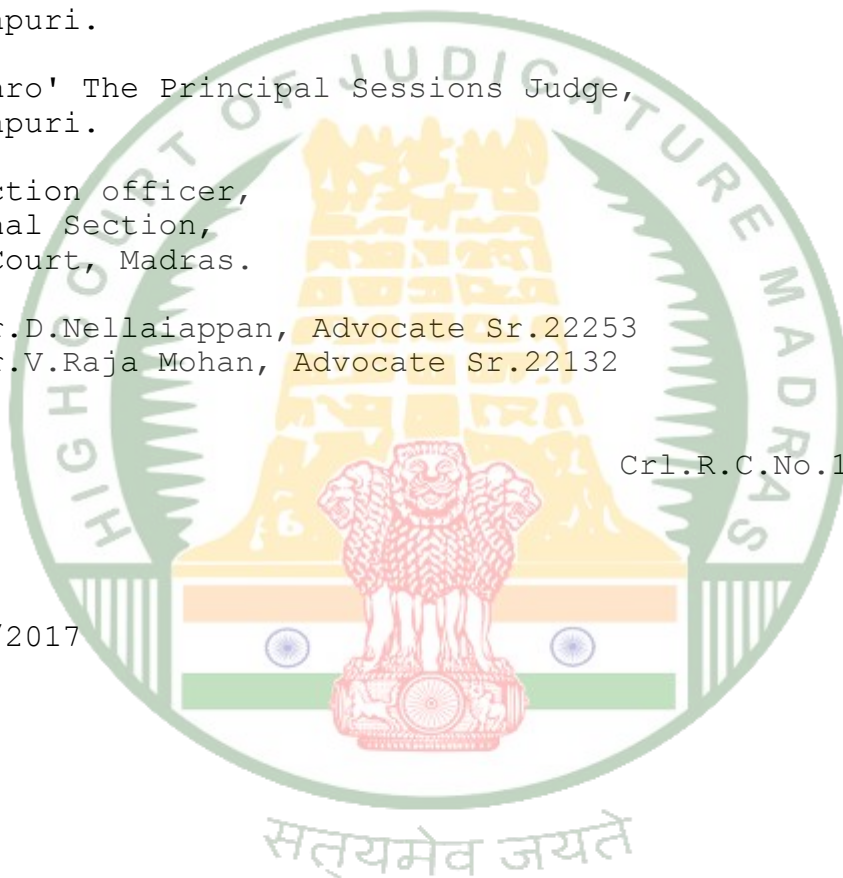
- 1) The Judicial Magistrate,
Fast Track Court, Dharmapuri.
- 2) -Do- Thro' The Chief Judicial Magistrate,
Dharmapuri.
- 3) The Additional District and Sessions Judge,
Dharmapuri.
- 4) -Do- Thro' The Principal Sessions Judge,
Dharmapuri.
- 5) The Section officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.D.Nellaiappan, Advocate Sr.22253

+1cc to Mr.V.Raja Mohan, Advocate Sr.22132

Crl.R.C.No.1352 of 2015

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