

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1150 of 2016

and

Crl.M.P.No.10059 of 2016

B.Thanigaivel
S/o.Late V.M.Boobalan ... Petitioner

Vs.

M.D.Ethiraj
S/o.M.K.Dakshinamoorthy ... Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the judgment of learned Principal District and Sessions Judge, Vellore, Vellore District, passed in C.A.No.100 of 2013 on 22.03.2016 confirming the judgment of learned Judicial Magistrate, Gudiyatham, Vellore District, passed in C.C.No.33 of 2010 on 01.10.2013.

For Petitioner : Mr.A.Gouthaman

For Respondent : Mr.M.R.Jothimanian

ORDER

This Court has reserved orders in this revision on 22.11.2016. The matter was listed on 19.12.2016 under the caption "for orders". Upon the request of either side, the case was adjourned on several occasions. Today, the matter is listed under the caption 'for orders'.

2. This revision is preferred against two concurrent judgments of Courts below convicting petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to 3 months S.I. and fine of Rs.5,000/- i/d 1 month S.I.

3. Learned counsel for petitioner submitted that the matter stands compromised between the parties. Learned counsel further submitted that respondent has agreed to receive a sum of Rs.1,30,000/- towards full and final settlement and the petitioner has also paid the entire sum to the respondent.

4. Learned counsel for respondent affirms the submission of learned counsel for petitioner viz., that the dispute stands settled between *de facto* complainant and petitioner.

5. In view of the Joint Memo of Compromise filed to compound the offence signed by parties as also their respective counsel, this Court is inclined to allow this petition. Accordingly, the Criminal Revision Case shall stand allowed. The offence under section 138 of the Negotiable Instrument Act shall stand compounded. Petitioner shall stand acquitted in the case. Fine amount, if any, paid by petitioner shall be refunded to him. Bail Bonds, if any, executed shall stand cancelled. Joint Memo of Compromise dated 20.02.2017 filed to compound the offence shall form part of records. Connected miscellaneous petition is closed.

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Assistant Registrar

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Sub Assistant Registrar

gm

To

1.The Principal District and Sessions Judge,
Vellore, Vellore District.

2.The Judicial Magistrate,
Gudiyatham, Vellore District.

C.C. to M/S.A.GOUTHAMAN Advocate SR.NO.14043

C.C. to M/S.M.R.JOTHIMANANIAN Advocate SR.NO.13352

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Cr1.R.C.No.1150 of 2016

RR(CO)
VS 16.03.2017