

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HONOURABLE DR.JUSTICE.S.VIMALA

Crl.R.C.No.1248 of 2016

and Crl.M.P.No.14024 of 2017

Chitra
Petitioner

... Revision

Vs

P.Alazhusamy

... Respondent

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C. praying to call for the records in C.A.No.22 of 2015 on the file of the learned Principal Sessions Judge at Namakkal and allow the revision and set aside the order dated 15.06.2016 in C.A.No.22 of 2015 on the file of the learned Principal Sessions Judge at Namakkal, confirming the order in C.C.No.92 of 2010 dated 29.04.2015 passed by the learned Judicial Magistrate No.I, Namakkal.

For Petitioner : Mr.R.Ganeshkumar
For Respondent : Mr.P.Rajendran

ORDER

The revision petitioner herein is an accused in C.C.No.92 of 2012 for the alleged offence under Section 138 of the Negotiable Instruments Act, 1881, before the learned Judicial Magistrate No.I, Namakkal and she has been convicted and sentenced to undergo 3 months simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further simple imprisonment for three months. Aggrieved against the same, an appeal has been filed in C.A.No.22 of 2015 before the Principal Sessions Judge, Namakkal, wherein, the appellate Court has confirmed the conviction and sentence passed by the trial Court. Challenging the same, the present revision petition has been filed.

2. it is submitted by the learned counsel for the revision petitioner that during the pendency of the revision, a compromise has been arrived at between the petitioner and the respondent before the Tamil Nadu Mediation and Conciliation Centre, on 17.08.2017.

2.1. It is further submitted that the accused has paid a sum of Rs.75,000/- towards full and final settlement to the respondent towards the liability arising under the cheque, which is the subject matter in C.C.No.92 of 2010.

3. The parties are personally present before this Court. The respondent/complainant has admitted the receipt of the sum

of Rs.75,000/-, which is towards full and final settlement and there is no further claim as against the accused herein.

4. Under the stated circumstances, compounding of offence is allowed in terms of compromise arrived at between the parties.

5. In the result, the Criminal Revision Case is allowed and the conviction and sentence passed by the learned Judicial Magistrate No.I, Namakkal, as confirmed by the Appellate Court, are hereby set aside and the complaint under section 138 of the N.I.Act is dismissed in terms of compromise and the accused is acquitted of the charges under Section 138 of N.I.Act. The compromise agreement shall form part of the order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ogy/GLN

To

1. The learned Judicial Magistrate No.I,
Namakkal.

2.Thro 'The Chief Judicial Magistrate
Namakkal

3. The Principal Sessions Judge,
Namakkal.

4. The Section Officer
Criminal Section High Court, Madras(+2 copies)

+1 cc to Mr.R.Ganesh Kumar Advocate sr 83055

kk(co)
aa30/01/2018