

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.1362 of 2016
and
Crl.M.P.No.4438 of 2017
and
Crl.M.P.No.12106 & 12107 of 2016

1. M/s.Iswarya Colours,
A Partnership Firm,
rep. by its Managing Partner,
K.Kadirvelu,
Minor Thottam,
Thenampalayam,
Tirupur.
 2. Mr. Ramasamy @ Ramamoorthy
 3. Mrs. R.Subbulakshmi ... Petitioners/ Appellant/
Accused
- Vs
- M/s. National Hand Loom Development Corporation,
rep. by its Deputy Manager,
N.Lakshmipathy,
Plot No.6, TNUDP Colony,
Gandhi Mahanagar,
Peelamedu,
Coimbatore- 641 004 ... Respondent/Complainant

Prayer:- Criminal Revision filed under Section 397 r/w. 401 of Cr.P.C., to set aside the order of the learned III Additional District and Sessions Judge, Coimbatore in C.A.No.165 of 2014 dated 14.07.2016 dismissing the appeal, confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore in C.C.No.369 of 2011 dated 15.10.2014.

For Petitioner : Mr.R.Baskar

For respondent : Mrs.Me.Sarashwathi

ORDER

Totally there are 5 accused in C.C.No.369 of 2011 on the file of the Judicial Magistrate, Fast Track Court

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(Magisterial level)-II, Coimbatore and the petitioners herein are A1,A3 & A4. The trial Court, by judgment dated 15.10.2014 convicted the petitioners/A1,A3 & A4 for an offence under Section 138 of Negotiable Instruments Act and imposed a fine of Rs.3000/- on the first petitioner company, in default, petitioners 2 & 3/A3 & A4 to undergo simple imprisonment for one month each and the petitioners 2 and 3/A3& 4 are sentenced to undergo simple imprisonment for one month each and to pay a fine of Rs.3000/- each, in default, to undergo simple imprisonment for one month each and acquitted A2 and A5. Challenging the same, the petitioners filed an appeal in C.A.No.165 of 2014 on the file of the III Additional District and Sessions Judge, Coimbatore and the lower appellate court confirmed the conviction and sentence and dismissed the appeal. Aggrieved by the same, the present revision has been filed.

2. Today when the matter is taken up, it is represented by the learned counsel for the petitioners that the matter has been settled between the parties and they have also filed a petition under Section 147 Negotiable Instruments Act to compound the offence.

3. Today, both the complainant/respondent, and the petitioners/accused along with their counsels are present before the Court and the respondent/complainant stated that he had received the amount and he is willing to compound the offence as they have settled the matter among themselves.

4. In the result, this criminal revision petition is allowed and the conviction and sentence imposed on the petitioners are set aside and the offence is compounded. Crl.M.P.No.4438 of 2017 is disposed of. Consequently, miscellaneous petitions in Crl.M.P.No.12106 & 12107 of 2016 are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. III Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court (Magisterial Level II),
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

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