

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.587 of 2016
and
Crl.M.P.No.8193 of 2017

V.P.Govindaraj .. Petitioner

Vs

P.Senthilkumar ... Respondent

Prayer:- Criminal Revision filed under Section 397 r/w. 401 of Cr.P.C., to set aside the judgment dated 05.02.2016 in Crl.A.No.14 of 2014 by the III Additional Sessions Judge, Vellore, at Tirupattur, confirming the judgment dated 20.02.2014 in C.C.No.194 of 2008 on the file of the learned Judicial Magistrate I, Tirupattur.

For Petitioner : Mr.Gomathinayagam,
senior counsel,
for Mr.S.Mohanasundararajan

For respondent : Mr.M.Balasubramanian

ORDER

The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the complainant under Section 357 Cr.P.C., by judgment dated 20.02.2014 in C.C.No.194 of 2008, the learned Judicial Magistrate No.I, Tirupattur, Vellore. Challenging the same, he filed an appeal in Crl.A.No.14 of 2014 and the lower appellate Court also confirmed the conviction and sentence and dismissed the appeal. Aggrieved by the same, the present revision has been filed.

2. When the matter was taken up on the previous hearing, the learned counsel appearing for the petitioner had submitted that the petitioner/accused was willing to pay a sum of Rs.2,50,000/- to the respondent/complainant and the respondent/complainant also agreed to receive the same and settle the issue. In the above circumstances, on 21.06.2017, a sum of Rs.1,00,000/- was paid to the respondent in cash and today, another sum of Rs.1,50,000/- has been paid by way of demand draft to the

respondent and the respondent has acknowledged the same.

3. The parties have also filed a petition under Section 147 Negotiable Instruments Act to compound the offence. Both the complainant/respondent, and the petitioner/accused and their respective counsel are present.

4. When this Court enquired the respondent/complainant, he admitted that he has settled the issue with the respondent and he has received the entire sum of Rs.2,50,000/-. He further stated that he may be permitted to compound the offence.

5. Taking into consideration of the fact that the parties have settled the issue between themselves and the offence is also compoundable, the conviction and sentence imposed by the courts below are liable to be set aside.

6. In the result, this criminal revision petition is allowed. The judgment of the trial Court dated 20.02.2014 in C.C.No.194 of 2008, which was affirmed by the appellate Court by judgment dated 05.02.2016 in CrI.A.No.14 of 2014 are set aside on the offence being compounded. The miscellaneous petition in CrI.M.P.No.8193 of 2017 stands disposed of accordingly.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mrp

To

1. III Additional Sessions Judge,
Vellore.
2. The Judicial Magistrate No.I,
Tirupattur, Vellore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mohanasundararajan, Advocate SR.No.45447

CrI.R.C.No.587 of 2016