

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Crl.R.C.No.1260 of 2017

and

Crl.MP.No.12276 of 2017

S.Saravana Kumar

... Petitioner

Vs.

R.Gnanaprakasam

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the Judgment dated 22.08.2013 passed by the learned Additional District and Sessions Judge, Krishnagiri, in C.A.No.64 of 2011 confirming the Judgment passed by the learned Judicial Magistrate No.II, Hosur, in STC No.2145 of 2009 dated 06.09.2011.

For Petitioner : Mr.M.Santhanaraman

For Respondent : Mr.V.R.Annagandhi

ORDER

This Criminal Revision Case has been filed against the

Judgment and conviction made by the learned Judicial

Magistrate No.II, Hosur in STC No.2145 of 2009 dated 06.09.2011, as confirmed by the learned Additional District Sessions Judge, made in Crl.A.No.64 of 2011 by order dated 22.08.2013.

2.Mr.M.Santhanaraman, learned counsel appearing for the petitioner as well as Mr.V.R.Annagandhi, learned counsel appearing for the respondent have submitted that the issue between the parties has been settled. Accordingly, a Compromise Memo duly signed by both the petitioner as well as the respondent and their respective counsel is filed before this Court.

3.The learned counsel would also make a joint request that in view of the Joint Compromise Memo being filed before this Court, on consideration of the same, suitable orders towards compounding the offence may be passed by this Court.

4.I have gone through the Compromise Memo dated 20.09.2017 filed before this Court. In the said Compromise Memo, both the petitioner and the respondent have signed

along with their respective counsel. According to the Compromise Memo, subsequent to the passing of the impugned Judgment whereby, the conviction and sentence to undergo Simple Imprisonment for six months and to pay a fine of Rs.5,000/- imposed by the trial Court against the petitioner, as confirmed by the Appellate Court, there had been a mutual dialogue and ultimately, the parties have reached an Agreement by which, the issue could be settled by receipt of Rs.9,00,000/- by the respondent from the petitioner.

5. Accordingly, on the date of entering into the Agreement, a sum of Rs.1,00,000/- was paid on 19.12.2016 and thereafter, on 05.06.2017, another sum of Rs.1,00,000/- was paid. With regard to the remaining amount of Rs.7,00,000/-, Rs.5,00,000/- is paid by way of Demand Draft No.757299 dated 18.09.2017 drawn on State Bank of India, Hosur Branch, and a further sum of Rs.2,00,000/- by cash today.

6. The said payments received by the respondent/

complainant is acknowledged by him. Therefore, the said payments made by the petitioner/accused to the respondent/complainant is hereby recorded.

7.Since the offence punishable under Section 138 of the Negotiable Instruments Act, is compoundable and the parties have come forward before this Court by filing a Joint Compromise Memo stating that the matter has been settled between the parties and accordingly, they made a request to dispose of the main revision case by compounding the said offence, the following orders are passed.

1)The Judgment of the trial Court made in STC No.2145 of 2009 on the file of the learned Judicial Magistrate No.II, Hosur, dated 06.09.2011, as confirmed by learned Additional District and Sessions Judge, Krishnagiri, in C.A.No.64 of 2011 dated 22.08.2013, are hereby set aside.

2)The said offence under Section 138 of the Negotiable Instruments Act, for which the

petitioner has been punished by the Courts below, is hereby compounded.

3)The Joint Compromise Memo dated 20.09.2017 signed by both the parties is taken on record and the same shall be part and parcel of this order.

In view of the compounding of the offence, this Criminal Revision Case is allowed to the terms indicated above. Consequently, connected Miscellaneous petition is closed.

20.09.2017

Index :yes/no

Internet :yes/no

mps

To

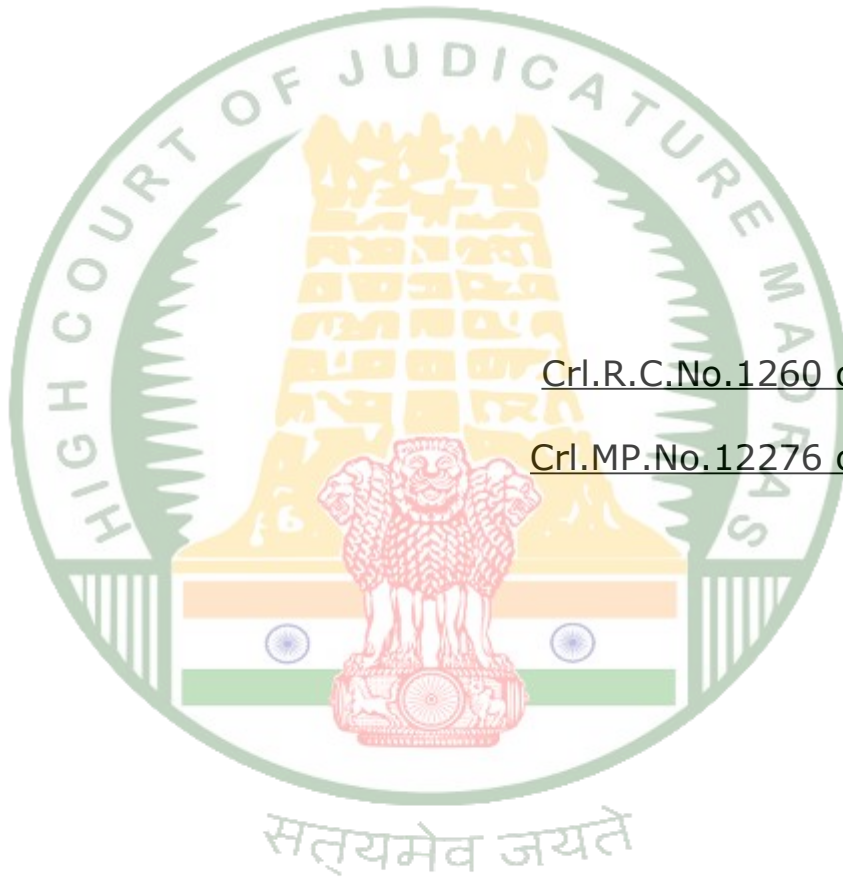
1.The Additional District and Sessions Judge,
Krishnagiri.

2.The Judicial Magistrate No.II,
Hosur.

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R. SURESH KUMAR, J,

mps



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