



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.(MD) No.563 of 2017

and

Crl.M.P(MD)No.7396 of 2017

A.Swamy Selvan

... Petitioner/Appellant/Accused

Vs.

T.Ravichandran

... Respondent/Respondent/Complainant

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the entire records relating to the judgment dated 09.08.2016 in C.A.No.86 of 2014 passed by the learned I Additional District Court, Tirunelveli and order dated 16.10.2014 in C.C.No.479 of 2013 passed by the learned Judicial Magistrate, Valliyoor and set aside the same as illegal and allow the above Criminal Revision Petition as prayed for.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.Abdul Kapoor

ORDER

The petitioner stood charged for the offence under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.479 of 2013 came to be instituted on a complaint given by the respondent/complainant. The trial Court, upon consideration of the entire materials available on record convicted the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo one year simple imprisonment and to pay the cheque amount of Rs.5 lakhs as compensation and in default to undergo three months simple imprisonment. Challenging the same, Criminal Appeal No.86 of 2014 has been preferred. The lower Appellate Court, namely, the learned I Additional District and Sessions Court, Tirunelveli, by a judgment dated 09.08.2016 confirmed the conviction and sentence passed by the trial Court. Aggrieved by the same, the present Criminal Revision has been filed.

2.When the matter came up for hearing, the petitioner and the respondent/complainant were present before this Court and the petitioner/accused has settled the entire cheque amount and the respondent/complainant also received the said amount and he is



willing to compound the offence and also filed a petition for compounding the offence.

3.Considering the above fact when the Court enquired the respondent/complainant, he has stated that he has received the entire cheque amount and he is willing to compound the offence. As the offence is compoundable, I am inclined to compound the offence. Accordingly, the conviction and sentence imposed by the Courts below against the petitioner are set aside and the offence is compounded.

4.The Criminal Revision Case is allowed accordingly. Consequently, CrI.M.P.(MD)No.7396 of 2017 is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Ist Additional District Court, Tirunelveli

2.The Judicial Magistrate, Valliyoor

+One cc to M/s.S.Malaikani, Advocate, SR.No.72290

sms

RL/4C/2P/SV/MMS/SAR1/15/9/2017

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