

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.A.No.801 of 2006

K.Subramaniam

... Appellant

..Versus..

1.M/s.United Sun Associates,
Rep by its Partner,
R.K.Vasu

2.R.K.Vasu
S/o.Krishnan
Partner, M/s.United Sun Associates,
178, 5th street, Gandhipuram,
Coimbatore

3.K.P.Gnanasigamani,
S/o.Ponnusamy,
Partner, M/s.United Sun Associates
K.S.Doddi, Kothanoor Post,
Kollegal

... Respondents

PRAYER: Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the judgment passed in C.A.No.447 of 2005 on 12.07.2006 by the Additional District Judge Fast Track Court No.1, Coimbatore and allow the Criminal Appeal and confirm the order passed by the trial Court in C.C.No.559 of 2001 on 01.10.2005.

For Appellant : Mr.A.Mohammed Sadiq
For Respondents : Mr.T.S.Venkatesan

JUDGMENT

Mr.A.Annadurai @ A.Mohammed Sadiq, learned counsel is the third counsel on record for the appellant seen from the grounds of appeal. This Court heard the submission of the above counsel today on behalf of the appellant.

2. The learned counsel filed a memo stating that he had sent a letter by courier to the appellant, who was the complainant in C.C.No.559 of 2001 on the file of the Judicial

Magistrate Court No.II, Coimbatore. But, unfortunately, the appellant had not replied nor had come forward to give instructions.

3. The reason why the appellant is not interested in prosecuting the appeal is evident from the memo filed by the first respondent/accused. Along with the memo, a receipt of Rs.4,00,000/- with signature of the appellant- K.Subramaniam on Revenue stamp has been filed. The second accused-R.K.Vasu is also present before this Court. Today, the counsel for the accused stated that the entire issue has been settled and a sum of Rs.4,00,000/- has been paid to the appellant.

4. Since the appellant had received the money in full and final settlement, naturally, he is not prepared to come to Court and participate in the judicial proceedings. The memo filed by the learned counsel for the appellant which is termed the "copy of the request sent to appellant and proof of service" and the memo filed by the learned counsel for the respondent today in Court are both recorded and shall form part of the records.

5. This Criminal Appeal is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvi

To

1.The Additional District Judge Fast Track Court No.1,
Coimbatore

2.The Judicial Magistrate II,
Coimbatore.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.T.S.Venkatesan, Advocate, S.R.No.87295

Cr1.A.No.801 of 2006

KJI (CO)
GN(10/01/2019)