

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.03.2018
Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

Crl.Appeal No. 540 of 2014

A. Martial Anbudass .. Appellant /Respondent

Vs.

1. Dr.B.Kannabiran

2. The State rep. by
The Station Housing Officer,
Through Public Prosecutor,
Pondicherry. ..Respondent/ Appellant

Prayer: The Criminal Appeal has been filed under Sections 378 of the Code of Criminal Procedure praying to set aside the order of acquittal dated 09.10.2013 passed by the II Additional Sessions Judge at Pondicherry in Criminal Appeal No. 10 of 2012 and confirm the order passed by the Judicial Magistrate No.II, Pondicherry in ***CC. No.551 of 2008.**

For Petitioner : Mr.R.C.Dinesh Rajkumar
For Respondents
No.1 : V.V.Sairam
No.2 : Mrs.S.Tankira
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed against the order and judgment made in Crl.A.No. 10 of 2012 on the file of the learned II Additional Sessions Judge, Pondicherry on 09.10.2013 by and under which the judgement and conviction made by the learned Judicial Magistrate No.II at Puducherry in ***C.C.No. 551 of 2008** dated 21.03.2012 has been reversed.

2. The appellant/complainant succeeded before the trial court and accordingly by virtue of the order of the trial court dated 21.03.2012, the respondent/accused had been convicted and sentenced to undergo three months simple imprisonment and also the trial Court ordered to pay a sum of Rs. 1 lakh to be paid by respondent/accused to the complainant as compensation i.e, twice of the cheque amount in default to

undergo three months simple imprisonment. It seems that the respondent/accused had deposited a sum of Rs.50,000/- before the trial court as a part of the said compensation. However, when the said judgment was appealed by the respondent/accused before the appellate Court by an order dated 09.10.2013, the appellate Court had reversed the said judgment and thereby acquitted the accused/respondent. However, the appellate court has also ordered that the order of trial Court to return Rs.50,000/- paid by the accused to the complainant shall stand good.

3. Against the said order of acquittal, the present appeal has been made by the complainant. During the course of hearing, the learned counsel appearing on both sides had submitted that there was a possibility to settle the matter out of Court between parties, accordingly some time was given.

4. When the case is called today, both the counsel appearing for parties have submitted a joint memo of compromise filed by the appellant and the first respondent dated 02.03.2018. In the said compromise memo, both the appellant as well as the first respondent have signed besides the signature of the respective counsel.

5. According to the said compromise memo, the respondent/accused shall have no objection to withdraw the amount of Rs.50,000/- deposited by the respondent/accused before the trial Court as part of compensation, by the complainant as directed by the first appellate Court. That apart the respondent/accused shall also pay a sum of Rs.20,000/- to the appellant/complainant. Accordingly the said amount of Rs.20,000/- has been paid by way of Demand Draft taken in favour of the appellant and the receipt of the said amount of Rs.20,000/- by way of Demand Draft with the aforesaid amount has also been accepted by the appellant/complainant. In the said compromise memo, both the parties have agreed to enter into said compromise and wanted to record the said compromise for the disposal of this appeal.

6. Taking into consideration of the submissions of the learned counsel for both sides and also taking on record the said joint memo dated 02.03.2018 filed by the parties as part and parcel of this order, this criminal appeal is disposed of to the terms indicated in the joint memo of compromise which become part and parcel of this order.

7. It is made clear that the appellant/ complainant shall be at liberty to withdraw the said amount of Rs.50,000/- lying in the account of the trial Court which has already been deposited by the accused as part of the compensation, by

filing formal petition and in such case, the trial Court shall permit the appellant to withdraw the said amount without making any reference to the accused/respondent.

Encl:Xerox copy of Joint Memo of Compromise

Sd/-
Assistant Registrar(CS IV)
dt.19.3.2018

*Corrected order issued on 20.4.2018

//True Copy//

Sub Assistant Registrar

aav

Copy to:

1. The II Additional Sessions Judge,
Pondicherry
2. The Judicial Magistrate No.II,
Pondicherry.
3. The Public Prosecutor, (Puducherry)
High Court, Chennai-104
4. The Section Officer(Record Keeper)
Criminal Section,
High Court, Madras
5. The Station House Officer
Puducherry University,
Puducherry.

To be substituted
to the order copy
already despatched on
04.04.2018

+1cc to Mr.V.V.Sairam, Advocate Sr.no.16134

+1cc to Mr.R.C.Dinesh Rajkumar, Advocate Sr.No.16069

RR(CO)

sm:23.3.2018

sm:20.4.2018

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