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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Criminal Appeal No.79 of 2014

D. Ranjith

.. Appellant/Complainant

Versus

T. Vijayababu

.. Respondent/Accused

Prayer: Criminal Appeal filed under Section 378 of Criminal Procedure Code, against the judgment of acquittal passed by the Learned Additional District and Sessions Judge, Vellore at Ranipet in C.A.No.90 of 2011 dated 29.11.2013 reversing the judgment of the learned Judicial Magistrate Arakonam in C.C.No.49 of 2010 dated 17.03.2011 in convicting the respondent herein under Section 138 of the Negotiable Instruments Act, and to undergo 1 year SI and to pay a fine of Rs.5,00,000/- as compensation under Section 357(3) Cr.P.C i/d to undergo 3 months SI.

For Petitioner : M/s R.Karthikeyan

For Respondent : Mr.J.Shanmuga - Sundara Babu

J U D G M E N T

This Appeal is filed against the order passed by the Learned Additional District and Sessions Judge, Vellore at Ranipet in C.A.No.90 of 2011 dated 29.11.2013 by which the judgment and conviction made in C.C.No.49 of 2010 dated 17.03.2011 has been reversed and by the same, the respondent/accused was acquitted by the First Appellate Court by its order dated 29.11.2013. Aggrieved over the said judgment of the First Appellate Court, the present Criminal Appeal has been filed by the complainant.

2. Today when the case was called for hearing, learned counsel appearing for both sides namely the appellant as well as the respondent, have made a point of requisition that, the issue is settled between the parties out of Court and to the said effect, a Memo of Compromise also has been entered between the parties.



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3. By placing the said Memo of Compromise, they submitted that by recording the same, the instant Criminal Appeal may be disposed of between the parties. The Memo of Compromise dated 16.02.2018 entered between the parties is submitted and the relevant portion of the said memo is extracted here under:-

"4. It is submitted that accordingly, a compromise had been arrived between the parties for the following terms and conditions.

a. It is agreed that the respondent/accused herein agrees to pay a sum of Rs.2,25,000/- towards the full and final settlement in the above Appeal in respect of the cheque dishonoured in C.C.No.49 of 2010 and the Appellant has also agreed to receive the above said sum of Rs.2,25,000/- as final settlement.

b. As per the said final settlement, the respondent/accused has paid the said sum of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand Only) by way of Demand Draft drawn on Indian Overseas Bank bearing No.453436 dated 01.02.2018 to the Appellant / Complainant today. The Appellant / Complainant acknowledged the receipt of the above said amount towards the full and final settlement.

c. As what has been agreed, the respondent/accused has paid a sum of Rs.2,25,000/- (Rupees Two lakhs Twenty Five Thousand only) towards the full and final settlement. The Appellant / complainant shall have no right to claim any further amount and he will not initiate any case in respect of the subject matter in the above Appeal.

5. It is submitted that this Compromise Memo has been accepted by the parties and their counsel have put their signature herewith. It is,

therefore, prayed that this Hon'ble Court may be pleased to record this Compromise Memo and the Appeal may be disposed of in terms of the Compromise Memo and render justice."

In view of the aforesaid Memo of Compromise and by recording the same, this Criminal Appeal is disposed of accordingly.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District & Sessions Judge,
Vellore at Ranipet.

2. The Judicial Magistrate,
Arakonam.

3. -do- Thro' Chief Judicial Magistrate,
Vellore.

+lcc to Mr.J.Shanmuga - Sundara Babu, Advocate, S.R.No.12266

+lcc to M/s R.Karthikeyan, Advocate, S.R.No.12450

Criminal Appeal No.79 of 2014

KJI (CO)
CS/11/05/18