

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.526 of 2011

A.Sundaramurthy

.. Appellant

Vs

S.Babu

.. Respondent

Criminal Appeal filed under Section 378 of Cr.P.C. praying to set aside the judgment dated 22.03.2011 passed by the learned VI Additional Sessions Judge, Chennai in Crl.A.No.216 of 2010.

For Appellant : Mr.P.V.Sanjeev
For Respondent : Mr.Elamvazhudi

J U D G M E N T

सत्यमेव जयते

For the sake of convenience, the appellant and the respondent will be referred to as the complainant and the accused respectively.

2.It is the case of the complainant that on 13.06.2005, the accused borrowed Rs.3,00,000/- and executed a promissory note (Ex.P1), agreeing to

repay the amount with interest at 36% p.a. When the complainant demanded repayment of the amount, the accused issued a cheque dated 15.09.2005 for Rs.3,25,000/- (Ex.P2), which, when presented by the complainant, was dishonoured on 20.09.2005 with the endorsement on two grounds, viz. "funds insufficient and drawer's signature differs". The complainant issued a legal notice dated 29.09.2005 to the accused, in response to which, the accused did not make the payment. Therefore, the complainant initiated a prosecution in C.C.No.9850 of 2005 before the VIII Metropolitan Magistrate, George Town, Chennai, in which, the accused was convicted and sentenced on 02.09.2010 to undergo six months rigorous imprisonment and pay a fine of Rs.3,25,000/- to the complainant. Challenging the conviction and sentence, the accused filed CrI.A.No.216 of 2010 before the Court of Session, in which, he was acquitted on 22.03.2011, challenging which, the complainant is before this Court after obtaining special leave.

3.Heard Mr.P.V.Sanjeevi, learned counsel for the complainant and Mr.Elamvazhudhi, learned counsel for the accused.

4.Today, the complainant and the accused are present before this Court. The accused has given a Demand Draft dated 03.12.2018 drawn on State Bank of India, Coromandal Tower, PH Road Branch, bearing No.081694 in favour of

the complainant as full and final settlement of all claims, which the complainant has received and accepted.

5. In view of the above, the offence stands compounded under Section 147 of the Negotiable Instruments Act, 1881 and consequently, this appeal stands dismissed. The bail bond(s), if any, executed by the accused shall stand cancelled.

Post the matter "for reporting compliance" on 10.12.2018.

04.12.2018

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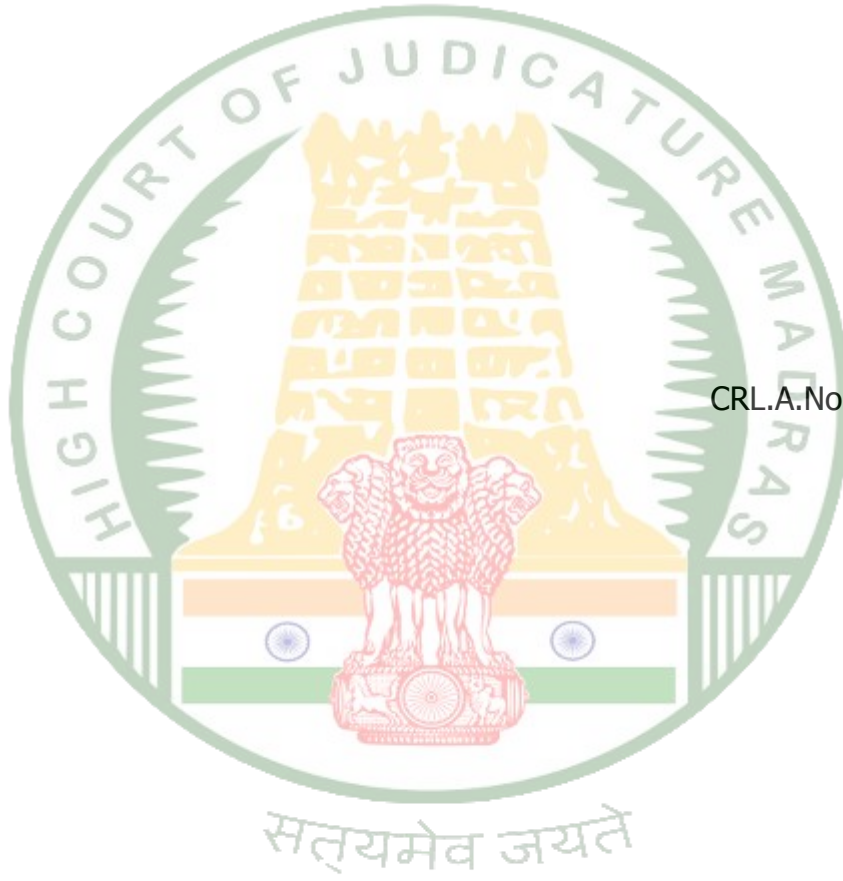
To

VI Additional Sessions Judge,
Chennai.

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P.N.PRAKASH, J.

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