

BAIL SLIP

The Appellant/Accused Viz. R.C.Natarajan S/o. Chokkalingam was directed to be released on bail as per order dated 21.09.2011 in CRL MP. No.1/2011 to 1/2011 (5MP's) in Crl Rc.1293 to 1297/2011 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.R.C.Nos.1293 to 1297 of 2011

R.C.Natarajan ... Petitioner
(In all Petitions)

..Vs..

Egambaram ... Respondent
(In all Petitions)

COMMON PRAYER: Criminal Revision Petitions filed under Section 397 read with 401 of the Criminal Procedure Code, against the common judgment dated 11.07.2011 made in C.A.Nos.12, 13, 14, 15 and 16 of 2008 on the file of the Court of Session Judge, Nagapattinam confirming the Judgment dated 04.02.2008 made in C.C.Nos.97, 98, 100, 105 and 106 of 2006 on the file of the Court of the Judicial Magistrate No.I, Nagapattinam.

For Petitioner : Mr.M.Govindaraja

For Respondent : No appearance
(In all Petitions)

COMMON ORDER

These Criminal Revision Petitions arise out of the orders passed in Criminal Appeal Nos.12 to 16 of 2008 by Session Court, Nagapattinam confirming the order of conviction and sentence passed in C.C.Nos.97 of 2006, 98 of 2006, 100 of 2006, 105 of 2006 and 106 of 2006 for the offence under Section 138 of Negotiable Instruments Act.

2. These revision petitions were admitted on 21.09.2011 and notice has also been served on the respondent. From the records it is seen that on 22.12.2012, the respondent/complainant had entered in to the compromise with the petitioner herein and has agreed to receive a sum of Rs.1,25,000/- in full quits.

3. An undertaking was also given to the effect that there is no amount due and payable by the petitioner and that the same will be reported before this Court in the pending revision petition. The undertaking has been signed by both the respondent as well as the Advocate representing the respondent.

4. This Court has passed repeated orders directing the respondent to appear before this Court since there is no representation on his side by any counsel. Even though, the name of the counsel is printed in the cause list, no one appears for the respondent right from the order 2017 onwards. This Court by an order dated 27.07.2017, specifically, directed the respondent appear before the Court, since this Court found that even after the matter was settled and posted before the Loak Adalat, the respondent never turned up before the Loak Adalat. Subsequently, this Court even went to the extent of issuing bailable warrant to secure the presence of the respondent, by an order dated 10.08.2017. In spite of such an order being passed, neither the respondent nor the counsel are appearing before this Court.

5. This Court permitted the petitioner to take fresh private notice to the respondent as well as the counsel representing respondent. Private notice was served both on the respondent as well as the counsel and proof of service was also filed before this Court.

6. This Court has made several attempts to some how make respondent appear before the Court in order to ascertain about the settlement that has already taken place between the parties. For some curious reason, the respondent refuses to appear before this Court and even the counsel on record does not appear before this Court.

7. Under the given circumstances this Court has to take necessary cognizance of letter of undertaking dated 22.12.2012 given by the respondent and his counsel wherein they have acknowledged about the settlement of all the cases by receiving sum of Rs.1,25,000/- as full and final settlement. This coupled with the fact that neither the respondent nor his counsel refusing to appear before the Court, makes this Court think that they are no more interested in persuing with this matter.

8. In view of the settlement arrived at between the parties, the offence is compounded and the conviction and sentence passed by the Courts below is here by set aside. Accordingly, this Criminal Revision Petition is allowed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dss

To

1. The Judicial Magistrate No.I,
Nagapattinam.
2. Do Thro. The Chief Judicial Magistrate, Nagapattinam.
3. The Sessions Judge, Nagapattinam,
4. The Public Prosecutor,
Madras High Court,
Madras.
5. The Section Officer,
Criminal Section, High Court, Madras.

+1cc to Mr.M.GOVINDARAJU, Advocate, S.R.No.41119

CrI.R.C.Nos.1293 to 1297 of 2011

KK(CO)
TR(10/07/2018)

सत्यमेव जयते

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