

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CRL.R.C.No.345 of 2011

Mrs.S.Niyamath
Proprietor,
Standard Leathers,
W/o.Sadiq Ali,
42, Madhavakrishna Street,
Erode District,
Erode-638 001.Petitioner/Accused

.Vs.

M.SathasivamRespondent/Complainant

Criminal Revision Case filed under Section 397 r/w 401 of Crl.P.C. against the order dated 31.08.2009 made in Crl.A.No.72 of 2009 on the file of the Additional District Judge cum Fast Track Court No.1 at Erode confirming the order dated 18.04.2009 in C.C.No.340 of 2008 on the file of Judicial Magistrate No.III, Erode.

For Petitioner : Mr.V.Raghunathan
for Mr.S.Dhanasekaran

For Respondent : No Appearance

O R D E R

When the matter was called during the last occasion i.e., on 08.06.2018, the following order was passed.

"When the matter was taken up for hearing today, the learned counsel for the petitioner would submit that the matter has been compromised and the amount has been settled to the respondent who is the complainant. The learned counsel would submit that he requires two weeks time to get the receipt issued by the respondent acknowledging the receipt of amount from the petitioner. The matter is adjourned two weeks to enable the learned counsel for the petitioner to produce the receipt in proof of payment of amount to the respondent.

Post the matter on 22.06.2018".

2.Today, the learned counsel for the petitioner has produced the receipt and undertaking executed by the respondent/complainant to the effect that the petitioner had settled the entire amount on 30.04.2013, and the parties have put their signature in the presence of a Notary Public. The original receipt and undertaking is taken on record.

3.Even though the respondent has been served, he is neither present in person nor represented by any counsel and his name has been printed in the cause list.

4.Recording the compromise that is evidenced by the receipt and undertaking executed by the respondent on 30.04.2013, the offence is compounded. The judgment of conviction and sentence passed by the Courts below is hereby set aside.

5.This Criminal Revision Petition is allowed.

*The Xerox copy the Compromise enclosed

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KP
To

1.The Additional District Judge,
cum Fast Track Court No.I,
Erode.

2.The Judicial Magistrate Court,
The Judicial Magistrate No.III,
Erode.

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srg 27/08/2018