

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.R.C.No.809 of 2011

A. Kumar ... Revision Petitioner/Appellant/Accused  
Vs

S. Shankar ... Respondent/Respondent/complainant

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the judgment of conviction passed in C.A.No.204 of 2010 dated 13.05.2011 by the Additional District Judge (Fast Track Court), Vellore, confirming the judgment of conviction and sentence dated 03-09-2010 made in C.C.No.392 of 2007, on the file of the Judicial Magistrate No.IV, Vellore, Vellore District.

For Petitioner : Mr. V. Madhavan

For Respondent : Mr. Tholgappian

O R D E R

The revision petition has been filed by the revision petitioner/accused against the conviction and sentence passed by the learned Additional District Judge, Fast Track Court, Vellore, confirmed the judgment of conviction imposed by the learned Judicial Magistrate No.IV, Vellore.

2. The revision petitioner who has been convicted by the trial court for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo six months imprisonment and to pay a fine of Rs.35,000/- and out of the fine amount, Rs.3,000/- was directed to be paid to the Government as fine and Rs.32,000/- as compensation. Aggrieved over the judgment of the trial court the accused has preferred appeal. The first appellate court after perusal of the materials and evidence, confirmed the conviction of the trial court, however, modified the sentence to undergo six months simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment and to pay a compensation of Rs.25,000/- to the complainant.

3. When the matter was called today, both the revision petitioner and the respondent were present along with their respective counsel and filed compounding petition. In pursuant to the earlier order of this Court, payment of Rs.50,000/-was agreed to be paid by the respondent herein as full and final settlement. Since the matter is compounded between the parties, as the very object of the Act itself to secure payment of money and compounding also permissible at any stage of proceedings pending, the petition filed by the parties herein is accepted. The revision petitioner has already paid Rs.25,000/- to the respondent and the respondent also received the same on 27.02.2018 and the remaining amount of Rs.25,000/- the revision petitioner paid today to the respondent and the same was also received and acknowledged by the respondent.

4. Since the matter is compounded and settled between the parties, the judgment of the first appellate court is hereby set aside and the revision petitioner is set at liberty. It is made clear that while filing the revision, the revision petitioner has deposited a sum of Rs.10,000/- before the trial Court i.e., the Judicial Magistrate No.IV, Vellore. As the matter is compounded and the conviction is set aside, the amount of Rs.10,000/- deposited by the accused/revision petitioner before the trial court is ordered to be refunded to **\*the respondent** within one month from the date of receipt of copy of this Order, on proper application.

5. In view of the above, the revision petition is disposed of.

Sd/--

Assistant Registrar(CCC)  
Dated:29/06/2018

\*Corrected as per order of  
this Court dated 03/08/2018  
and made herein.  
Sd/-  
Assistant Registrar(CS-IX)  
Dated:6/9/2018

//True Copy//

Sub Assistant Registrar

ggs

To

1.The Additional District Judge,  
(Fast Track Court) Vellore.

2.The Judicial Magistrate No.IV, Vellore

To be substituted the  
Order already  
despatched on  
12/07/2018

3.The Principal Sessions Judge, Vellore

Copy to:The Section Officer,  
Criminal Section, High Court, Madras.

+1cc to Mr.V.Madhavan, Advocate Sr.No.\*53667

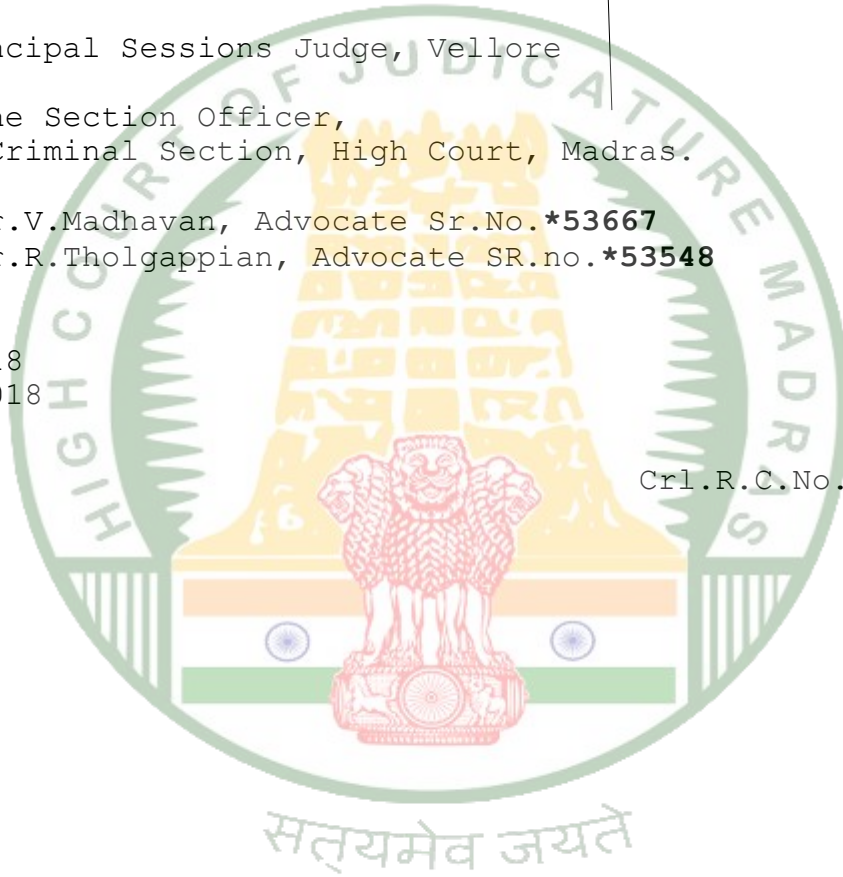
+1cc to Mr.R.Tholgappian, Advocate SR.no.\*53548

VGI (CO)

sm:2.7.2018

srg 6/9/2018

Cr1.R.C.No.809 of 2011



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