

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.R.C.No.1399 of 2018

R.Sathyanathan

...

Petitioner/Accused

Vs.

P.Pushpanathan

..

Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 01.02.2016 passed in S.T.C.No.249 of 2014 on the file of the Judicial Magistrate Court No.I, (Fast Track Court), Erode, confirmed by the judgment and order dated 24.11.2016 passed in C.A.No.36 of 2016 on the file of the I Additional District and Sessions Court, Erode.

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For Petitioner : Mr.V.Meenakshisundaram

For Respondent : Mr.C.S.Saravanan

ORDER

This revision petition has been filed seeking to set aside the judgment and order dated 01.02.2016 passed in S.T.C.No.249 of 2014 on the file of the Judicial Magistrate Court No.I, (Fast Track Court), Erode, confirmed by the judgment and order dated 24.11.2016 passed in C.A.No.36 of 2016 on the file of the I Additional District and Sessions Court, Erode.

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

3. The facts of the case in a nutshell are as under:

3.1 The complainant initiated a prosecution in S.T.C.No.249 of 2014 before the Judicial Magistrate Court No.I (Fast Track Court), Erode, under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act"), in which, the accused was convicted on 01.02.2016 and was sentenced to undergo six months simple imprisonment and fine of Rs.5,000/-, in default to undergo fifteen

days simple imprisonment. The appeal in C.A.No.36 of 2016 filed by the accused was dismissed by the I Additional District and Sessions Court, Erode, on 24.11.2016.

3.2 Challenging the conviction and sentence imposed by the Courts below, the accused has filed the above revision petition.

4. Heard Mr.V.Meenakshisundaram, learned counsel for the accused and Mr.C.S.Saravanan, learned counsel for the complainant.

5. Both the counsel submitted that the parties have arrived at a compromise and the matter has been amicably settled. The petition to compound the offence signed by the complainant and the accused and their respective counsel has been filed, the terms of which, are as under:

"1. In the meanwhile the petitioner has been paid entire cheque amount Rs.2,50,000/- to the respondent on 15.12.2018 towards full and final settlement of cheque amount and same was receipt along with memo already filed before the Hon'ble High Court at Madras dated 20.12.2018.

2. It is submitted that due to the intervention of mutual friends, the petitioner and the respondent have arrived at a settlement and as per the terms agreed, have decided to compound the above offence .

3. It is submitted that during the compromise between the parties all the transactions were put together and both parties agreed that they had no liability against each others which included the above case pending on the file of this Hon'ble Court.

4. It is submitted that under the above circumstances both the parties hereto pray that this Hon'ble Court may be pleased to record the compromise, close the above revision case and acquit the petitioners and thus render justice.” सत्यमेव जयते

6. In view of the above, the offence stands compounded under Section 147 of the NI Act and the accused is acquitted of the charge.

In the result, this criminal revision petition is allowed and the judgment and order dated 01.02.2016 passed in S.T.C.No.249 of 2014 on the file of the Judicial Magistrate Court No.I, (Fast Track Court), Erode, confirmed by the judgment and order dated 24.11.2016 passed in C.A.No.36 of 2016 on the file of the I Additional District and Sessions Court, Erode, are hereby set aside.

29.08.2019

nsd

To

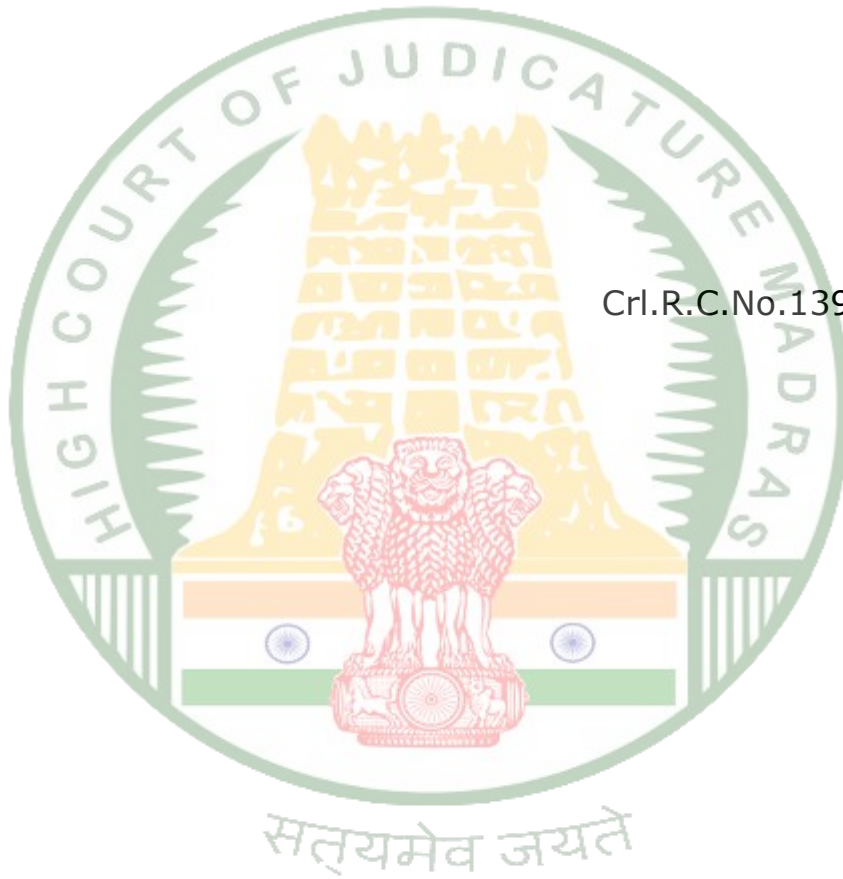
1. The Judicial Magistrate No.I,
(Fast Track Court), Erode.
2. The I Additional District and Sessions Judge,
Erode.
3. The Deputy Registrar,
Madras High Court,
Chennai – 104.

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nsd



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