

Bail Slip

CRL RC (MD) .No.364/2017:

The Appellant/Accused namely S.Pandi Durai was released on bail by this Hon'ble Court dated 20.04.2017 made in MP(MD). No.3423/17.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH****Cr1.R.C. (MD) No.364 of 2017****and****Cr1.M.P. (MD) No.3423 of 2017**

S.Pandidurai : Petitioner
Vs.

Pandiyarajan : Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records relating to the judgment dated 05.04.2017 made in Cr1.A.No.58 of 2016 on the file of the Fast Track Mahila Court, Sivagangai confirming the judgment dated 29.07.2016 made in S.T.C.No.107 of 2015 on the file of the Fast Track Court (Magisterial Level), Karaikudi and set aside the same.

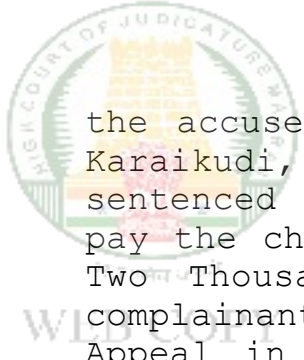
For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mrs.A.S.Rajeswari

ORDER*********

For the sake of convenience, the parties will be referred to as the complainant and the accused.

2. It is the case of the complainant that the accused had taken a loan and had, in discharge of the said loan, issued a cheque for Rs.1,42,800/- (Rupees One Lakh and Forty Two Thousand and Eight Hundred only). When the cheque was presented for clearance, the same was dishonoured. After issuing a statutory notice, the complainant initiated a prosecution in S.T.C.No.107 of 2015 under Section 138 of the Negotiable Instruments Act against



the accused, in which, the Fast Track Court (Magisterial Level), Karaikudi, by judgment dated 29.07.2016, convicted the accused and sentenced him to undergo six months simple imprisonment and also pay the cheque amount of Rs.1,42,800/- (Rupees One Lakh and Forty Two Thousand and Eight Hundred only) as compensation to the complainant. Aggrieved by the judgment, the accused preferred an Appeal in CrI.A.No.58 of 2016, which was dismissed by the Fast Track Mahila Court, Sivagangai on 05.04.2017. Challenging the orders passed by the Courts below, the accused has filed the present Criminal Revision Case.

3. At the time of admission and suspension of sentence, this Court, by order dated 20.04.2017, directed the accused to deposit 50% of the compensation amount before the Trial Court. Accordingly, the accused has deposited Rs.71,400/- (Rupees Seventy One Thousand and Four Hundred only) to the credit of S.T.C.No.107 of 2015 before the Trial Court. Thereafter, the matter was referred to the Lok Adalat. Before the Lok Adalat, the complainant and the accused arrived at a settlement, under which, the accused agreed to give Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the complainant as full and final settlement including the sum of Rs.71,400/- - (Rupees Seventy One Thousand and Four Hundred only) that has been deposited in the Trial Court. The complainant agreed to this proposal and the award was passed on 09.09.2017. However, in the award, there is a clerical error, inasmuch as, instead of 'Rs.71,400/-', it has been erroneously stated as 'Rs.75,000/-'.

4. Be that as it may, the accused has paid the balance amount of Rs.48,600/- (Rupees Forty Eight Thousand and Six Hundred only) to the complainant, the receipt of which, the complainant had acknowledged vide joint memo dated 15.12.2017.

5. In such view of the matter, the judgments passed by the Courts below in CrI.A.No.58 of 2016 and S.T.C.No.107 of 2015 are, hereby, set aside and the accused is acquitted. The Fast Track Court (Magisterial Level), Karaikudi, is directed to refund the deposited amount of Rs.71,400/- (Rupees Seventy One Thousand and Four Hundred only) to the complainant.

6. In the result, the Criminal Revision Case stands allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1.The Fast Track Mahila Court,
Sivagangai.

2.The Fast Track Court (Magisterial Level),
Karaikudi.

3.The Central Prison, Madurai.

+1cc to Mr.A.S.Rajeswari,Advocate Sr.No. 40444

+1cc to Mr.K.M.Karunakaran,Advocate Sr.No. 40453

SML

AE/KK/SAR1/31.01.2018/3P/6C

Order made in
Cr1.R.C. (MD) No.364 of 2017
Dated: 05.01.2018