



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl. R.C.(MD)No.799 of 2017

M.M.Meiyappan ... Petitioner / Appellant / Accused

-Vs.-

C.Chandrasekar ... Respondent / Respondent /
Complainant

Prayer: Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned IV Additional District and Sessions Judge, Madurai in C.A.No.45 of 2016 dated 08.09.2017 by confirming the order of sentence and imprisonment imposed by the Judicial Magistrate No.II, FTC Magistrate Level, Madurai in S.T.C.No.292 of 2012 and set aside the same .

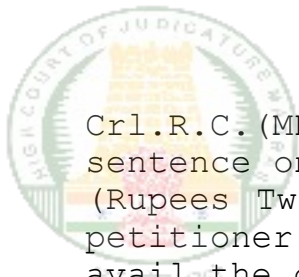
For Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates
For Respondent : Mr.C.Masilamani

O R D E R

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

2. The complainant initiated a prosecution in S.T.C.No.292 of 2012 under Section 138 of the Negotiable Instruments Act, 1881, against the accused before the learned Judicial Magistrate No.II, FTC Magistrate Level, Madurai in which, the learned Judicial Magistrate convicted the accused on 10.06.2016 and sentenced him to undergo six months simple imprisonment and also to pay compensation of Rs.40,00,000/- (Rupees Forty Lakhs only) towards cheque amount. Challenging the trial Court order, the accused filed C.A.45 of 2016 before the learned IV Additional District and Sessions Judge, Madurai and the learned IV Additional District and Sessions Judge, Madurai, by order dated 08.09.2017, dismissed C.A.No.45 of 2016 by confirming the conviction and sentence imposed on the accused, aggrieved by which, the accused has filed the present Revision Case.

3. In the meantime, the accused was taken into custody and was remanded on 11.10.2017 for undergoing the sentence of imprisonment. This Court, in Crl.M.P.(MD)No.9777 of 2017 in



Crl.R.C.(MD)No.799 of 2017, by order dated 30.10.2017, suspended the sentence on condition that the accused should deposit Rs.25,00,000/- (Rupees Twenty Five Lakhs only) before the trial Court. Since the petitioner was not able to deposit the amount, he was not able to avail the order passed by this Court.

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4. While so, it appears that the accused and the complainant arrived at compromise, under which, the family of the accused have paid Rs.5,00,000/- (Rupees Five Lakhs only) to the complainant as full and final settlement.

5. Today, the complainant is present and is identified by the Advocate Mr.C.Masilamani.

6. A joint compromise memo, dated 10.01.2018 signed by the accused in the prison attested by the Jailor, Central Prison and also signed by the complainant has been filed. In Paragraph No.2, it is stated as follows:

"It is respectfully submitted that subsequent to the same, the petitioner has filed the criminal revision petition as against the above said order in Crl.R.C.No.799 of 2017 before this Hon'ble Court at the instance out of Court, the petitioner's family members as well as the respondent / complainant have resolved their differences amicably and settled the entire matter in the presence of well-wishers of both parties. That on 09.01.2018, the petitioner as well as the complainant entered into the compromise. ON the strength of the same, the complainant / respondent has received a sum of Rs.5,00,000/- through DD bearing No.342109/State Bank of India/dated 09.01.2018 for his debt and he has no further claim in future as against the petitioner in any other forum. Now both parties don't want to proceed the matter in further. out of the said mutual understanding, the respondent / complainant is not interested in convicting the petitioner. Hence, the respondent / complainant has no objection to set aside the order made in C.A.No.45 of 2016 on the file of IV Additional District and Sessions Court, Madurai in STC.No.292 of 2012 on the file of the Judicial Magistrate No.II, FTC Magistrate level, Madurai and the above Criminal Revision Petition therefore the petitioner and the respondent / complainant have jointly filed this Memo of Compromise."

7. In view of the compromise arrived at between the parties, this Criminal Revision Case is allowed and the orders of the trial Court and the appellate Court are hereby set aside. The accused is acquitted. He shall be released from custody, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(P&A)



(*) JOINT COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To சென்னை உயர் நீதிமன்றம்

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1.The IV Additional District and Sessions Judge,
Madurai.

2.The Judicial Magistrate No.II,
FTC Magistrate Level,

Madurai.

3.The Superintendent,
Central Prison,
Madurai.
(In Duplicate Communicate to Detenu)

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+One cc to M/s.Ajmal Associates, Advocate, SR.No.41820

sm

JM/7C/SKN/RSK/SAR2/11/1/2018

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11/01/2018