

Bail Slip

The Petitioner/Accused (i).R.Radhakrishnan was directed to be released on bail as per order of this Court dated 29/01/2010 in M.P.No.1 of 2010 in Crl.R.C.No. 85 of 2010 on the file of High Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.85 of 2010

R.Radhakrishnan ... Petitioner

.. Vs ..

1.Sampath Bora (Deceased)

2.S.Praveen

(Legal Representative of the deceased respondent is impleaded as per the order of this Hon'ble Court dated 09.11.2017 made in Crl.MP.No.8959 of 2017) ... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., against the judgment dated 04.08.2006 passed in C.C.No.1482 of 2005 by the learned Judicial Magistrate No.3, Coimbatore, confirmed by the judgment dated 09.10.2009 by the learned Additional Sessions Judge and Presiding Officer, Special Court for EC Act Cases, Coimbatore in Crl.A.No.342 of 2006 and set aside the conviction and sentence imposed on the petitioner.

For Petitioner : Mr.Karthick, Sc for  
M/s.T.S.Gopalan & Co.

For Respondent : Mr.C.R.Malarvannan for R2

ORDER

The Criminal Revision Case has been filed against the judgment dated 09.10.2009 passed by the learned Additional Sessions Judge and Presiding Officer, Special Court for EC Act Cases, Coimbatore in Crl.A.No.342 of 2006, dismissing the Appeal and confirming the order passed in C.C.No.1482 of 2005 by the learned Judicial Magistrate No.3, Coimbatore, dated 04.08.2006, convicting the revision petitioner for offence under Section 138

of the Negotiable Instruments Act and sentencing him to undergo Simple Imprisonment for a period of six months and also directing him to pay an amount of Rs.8,10,000/- as compensation to the 1<sup>st</sup> respondent/complainant.

2.During the pendency of the Criminal Revision Case, the respondent/complainant- Sampath Bora passed away and his son- S.Praveen has been impleaded as legal heir of the respondent/complainant by an order of this Court dated 09.11.2017 in Crl.MP.No.8959 of 2017.

3.When the matter is taken up for final hearing, it has been reported by the learned counsel for the revision petitioner as well as the respondent that during the pendency of the Criminal Revision Case, both the parties have arrived at a consensus and decided to settle all their issues among themselves. In view of the same, the revision petitioner had offered to pay Rs.1,00,000/- to the respondent and the respondent has also agreed and received it. Pursuant to the same both the parties have filed a petition before this Court under Section 320(6) Cr.P.C., r/w Section 147 of the Negotiable Instruments Act, seeking to compound the offence. The learned counsel for the respondent/complainant would submit that the amount of Rs.1,00,000/- had been paid to the respondent/complainant.

4.In view of the settlement, offence under Section 138 of the Negotiable Instruments Act, is compounded as per Section 147 of the NI Act and the Criminal Revision Case stands disposed of. The Judgment of Conviction and Sentence passed by the learned Judicial Magistrate No.3, Coimbatore, in C.C.No.1482 of 2005 dated 04.08.2006 and confirmed by the learned Additional Sessions Judge and Presiding Officer, Special Court for EC Act Cases, Coimbatore in Crl.A.No.342 of 2006 dated 09.10.2009 are set aside. Bail bond, if any, executed shall stand cancelled.

Sd/-  
सत्यमेव जयते  
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Sessions Judge and Presiding Officer,  
Special Court for EC Act Cases,  
Coimbatore.

2.The Judicial Magistrate No.3, Coimbatore.

3.The Chief Judicial Magistrate,  
Coimbatore.

4.The Section Officer, Criminal Section,  
High Court of Madras.

+1cc to M/s.T.S.Gopalan & Co , Advocate, S.R.No.27968

+1cc to Mr.N.Mohideen Basha, Advocate, S.R.No.27871

Criminal Revision Case No.85 of 2010

RR(CO)

RRS (08/05/2019)



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