

Bail Slip

The Petitioner in Crl.R.C.No.933/2012 viz M.A.Nazeem Banu W/o. Mohammed Abuthahir was directed to be released on bail as per order dated 03.08.2012 and made in M.P. 1/2012 in Crl.R.C.No.933/2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.No.933 of 2012

M.A.Nazeem Banu ... Petitioner/
Accused

Vs.

E.S.Natarajan ... Respondent/
Complainant

Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C to set aside the order dated 19.07.2012 made in C.A.No.68 of 2012 on the file of the Principal District and Sessions Judge, Erode, confirming the judgment dated 01.03.2012 made in S.T.C.No.45 of 2011 on the file of the Judicial Magistrate/FTC No.II, Erode

For Petitioner : Mr.M.Guruprasad

For Respondent : No appearance

O R D E R

This Criminal Revision Petition has been preferred challenging the judgment and order dated 19.07.2012 passed by the Principal District and Sessions Judge, Erode in C.A.No.68 of 2012 confirming the judgment and order dated 01.03.2012 passed by the Judicial Magistrate, Fast Track Court No.II, Erode in S.T.C.No.45 of 2011.

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

3. It is the case of the complainant that the accused had purchased wet blue cowhides, towards which, he owed Rs.3,42,276/- to the complainant; the accused issued a cheque dated 05.12.2009 (Ex.P1) for the said amount, which when presented by the complainant was returned unpaid with the endorsement "Account Closed" vide return memo (Ex.P2) on 24.05.2010; the complainant issued a statutory demand notice dated 27.05.2010 (Ex.P4), which was received by the accused on 28.05.2010; since the accused did not make the payment, the complainant initiated a prosecution in S.T.C.No.45 of 2011 before the Judicial Magistrate, Fast Track Court No.II, Erode under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act") against the accused, in which, the trial Court, by judgment and order dated 01.03.2012 convicted the accused of the offence under Section 138 of the NI Act and sentenced her to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment. The appeal in C.A.No.68 of 2012, that was filed by the accused, was dismissed by the Principal District and Sessions Court, Erode on 19.07.2012. Challenging the concurrent findings of the two Courts below, the accused has filed the present criminal revision.

4. Heard the learned counsel for the accused.

5. Today, the accused and the complainant are present. They submitted that they have arrived at an amicable settlement and filed a joint Memorandum of Compromise dated 21.10.2019, wherein, in paragraph 4, they have stated as follows:

'4. Both the parties respectfully state that pending criminal revision petition they have settled the matter amicably as per the terms of the agreement dated 25.03.2015 the petitioner paid a sum of Rs.4,00,000/- to the complainant. The complainant also received the same on full and final settlement towards the cheque amount. The complainant states that no further due is pending.

Both the parties respectfully state that this Hon'ble Court may be pleased to record the Joint Memo of Compromise and pass suitable orders as this Hon'ble Court may be pleased to deem fit and thus render justice.'

6. In view of the above, the offence is compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted.

7. Learned counsel for the accused submitted that pursuant to the order dated 03.08.2012, in CrI.M.P.No.1 of 2012 in CrI.R.C.No.933 of 2012, this Court had directed the accused to deposit Rs.50,000/- in the trial Court as a condition precedent, for suspension of sentence and bail and that the accused had complied with the said condition. If that is so, the accused will be entitled to withdraw the said sum from the trial Court.

8. In the result, the Criminal Revision Petition is allowed and the judgment and order dated 19.07.2012 passed by the Principal District and Sessions Judge, Erode in C.A.No.68 of 2012 and the order of conviction and sentence dated 01.03.2012 passed by the Judicial Magistrate, Fast Track Court No.II, Erode in S.T.C.No.45 of 2011 are set aside. Fine amount if any paid by the accused, shall be refunded to her.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gya/gpa
To

1. The Principal District and Sessions Judge
Erode.
2. The Judicial Magistrate/ Fast Track Court No.II,
Erode.
3. The Judicial Magistrate II, Erode
4. Do Thro The Chief Judicial Magistrate, Erode
5. The Public Prosecutor,
High Court, Madras - 600 104.

+1 CC to Mr.M.Guruprasad, Advocate sr 88055

CrI.R.C.No.933 of 2012

VD(CO)
SP(16/12/2019)