

Bail Slip

The Petitioner/Accused viz., Bharathi, W/o.Sivalingam, be and hereby was directed to be released on bail as per order of this Court dated 18.04.2013 and made in CrI.MP.No.1 of 2013 in CrI.RC.No.539 of 2013.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM:

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

CrI.R.C.No.539 of 2013

Bharathi .. Petitioner
Vs.

Gopal Reddy .. Respondent

Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C to set aside the Judgment dated 27.02.2003 of the learned Additional District and Sessions Judge, Krishnagiri in C.A.No.53 of 2011 confirming the conviction and sentence imposed by the Judicial Magistrate No.II Hosur in STC No.1873 of 2009 dated 29.06.2011.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.T.Panchatsaram

O R D E R

This Criminal Revision Petition has been preferred challenging the judgment dated 27.02.2003 passed by the Additional District and Sessions Judge, Krishnagiri in C.A.No.53 of 2011 confirming the conviction and sentence passed by the Judicial Magistrate No.II, Hosur in S.T.C.No.1873 of 2009 dated 29.06.2011.

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

3. The complainant initiated a prosecution in S.T.C.No.1873 of 2009 before the Judicial Magistrate II, Hosur under Section 138 of the Negotiable Instruments Act against the accused in which the trial Court by judgment and order dated 29.06.2011, convicted the accused and sentenced him to undergo simple imprisonment for three months and to pay a fine of Rs.5,000/-,

in default to undergo one month simple imprisonment. The appeal in C.A.No.53 of 2011 that was filed by the accused was dismissed by the Additional District and Sessions Judge, Krishnagiri on 27.02.2013. Challenging the concurrent findings of the two courts below, the accused has preferred the present revision petition under Section 397 r/w. 401 Cr.P.C.

4. When the matter was taken up for hearing, the learned counsel for the parties submitted that Gopal Reddy, the complainant had died and prior to his death he had entered into a settlement with the accused vide Compromise Settlement Deed dated 21.06.2013. The learned counsel for the complainant also conceded the same. The accused, who is present before this Court, has filed an affidavit dated 23.10.2019, wherein in Paragraph No.2 she has stated as follows:

"2. I state that I have filed the above CrI.R.C against the judgment dated 27.02.2013 passed in C.A.No.53 of 2011 on the file of the Additional District and Sessions Judge, Krishnagiri confirming the sentence imposed by the Judicial Magistrate No.II, Hosur by the judgment dated 29.06.2011 in S.T.C.No.1873 of 2009. During the pendency of the above Cr.R.C, I have paid the cheque amount of Rs.2,25,000/- to the Respondent on 21.06.2013 at Hosur and he has also received the same vide compromise settlement deed dated 21.06.2013, the copy of which is filed herewith."

Along with the affidavit, a copy of the compromise settlement dated 21.06.2013 is enclosed.

5. In view of the above, the offence stands compounded under Section 147 of the Negotiable Instruments Act.

This revision petition is allowed and the judgment dated 27.02.2003 passed by the Additional District and Sessions Judge, Krishnagiri in C.A.No.52 of 2011 and the conviction and sentence passed by the Judicial Magistrate No.II, Hosur in S.T.C.No.1874 of 2009 dated 29.06.2011 are set aside. The accused is acquitted of all charges.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

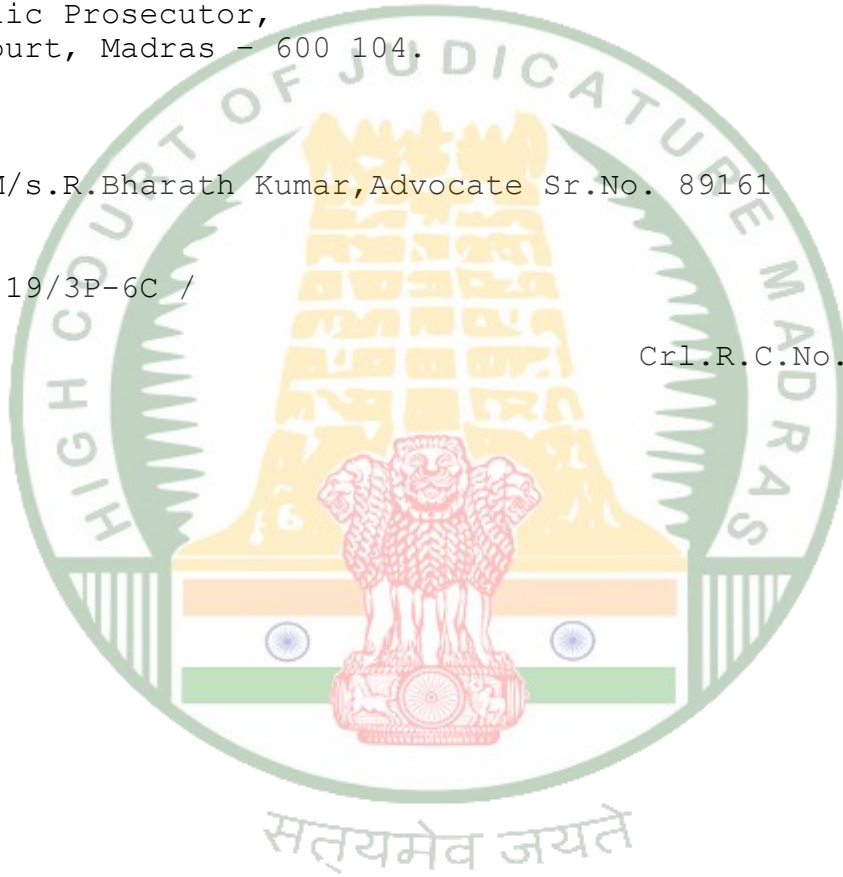
To

1. The Additional District and Sessions Judge
Krishnagiri.
2. The Judicial Magistrate No.II
Hosur
3. -Do-Thro' The Chief Judicial Magistrate,
Krishnagiri.
- 4.The Public Prosecutor,
High Court, Madras - 600 104.

+1 cc to M/s.R.Bharath Kumar, Advocate Sr.No. 89161

AKM/13.12.19/3P-6C /

CrI.R.C.No.539 of 2013



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