

Bail Slip

These Appellants/Accused Nos. 2 & 3 viz S.Duraisamy, 43 years, S/o. A. Subbiah, S.Raju, 41 years S/o.A. Subbiah already directed to be released on bail in and by the order of this court dated 30.04.2013 and made in CrI.M.P. 1/2013 in CrI.R.C.No.649 of 2013.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.R.C.No.649 of 2013

1. M/s.German Agro Tech.,
Represented by S.Duraisamy.
2. S.Duraisamy,
S/o.A.Subbiah.
3. S.Raju,
S/o.A.Subbiah. ..Petitioners/Accused 1 to 3

Vs.

M/s.Griffin Seeds Corporation,
Represented by its Proprietor,
Mr.Anand Martin Singh,
S/o.A.Martin. ... Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 20.06.2011 passed in C.C.No.1004 of 2009 on the file of the Judicial Magistrate Court No.II, Coimbatore, confirmed by the judgment and order dated 31.08.2012 passed in C.A.No.155 of 2012 on the file of the I Additional District and Sessions Court, Coimbatore.

For Petitioners: Mr.M.Erajasimhan
For Respondent : Mrs.P.Sridevi

O R D E R

This petition has been filed seeking to set aside the judgment and order dated 20.06.2011 passed in C.C.No.1004 of 2009 on the file of the Judicial Magistrate Court No.II, Coimbatore, confirmed by the judgment and order dated 31.08.2012

passed in C.A.No.155 of 2012 on the file of the I Additional District and Sessions Court, Coimbatore.

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

3. The brief facts of the case are as under:

3.1 The complainant initiated the prosecution in C.C.No.1004 of 2009 before the Judicial Magistrate Court No.II, Coimbatore, for the offence 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 20.06.2011, convicted the accused of the aforesaid offence and sentenced AA 2 and 3 to undergo one year simple imprisonment and AA 1 to 3 were directed to pay a fine of Rs.5000/- each, in default to undergo three months simple imprisonment.

3.2 The appeal in C.A.No.155 of 2011 filed by the accused, was dismissed by the I Additional District and Sessions Court, Coimbatore, on 31.08.2012.

3.3 Challenging the concurrent findings of fact arrived at by the Courts below, the accused have filed the present revision under Section 397 r/w 401 Cr.P.C.

4. Heard Mr.M.Erajasimhan (Enrollment No.1274 of 2009), learned counsel for the accused and Mrs.P.Sridevi (Enrollment No.4108 of 2012), learned counsel for the complainant.

5. The learned counsel for both sides submitted that the parties have arrived at a compromise and they have also filed a joint memorandum of compromise, signed by the parties and their respective counsel.

6. The terms of the joint memorandum of compromise reads as under:

"2. It is further submitted that against which the petitioners preferred revision before this Court in Crl.R.C.No.649 of 2013. During the pendency of this revision, the petitioners/accused 1 to 3 and the respondent/complainant settled the matter out of Court. The respondent/complainant received full and final settlement of amount from the petitioners/accused 1 to 3 on 28.03.2014.

Therefore, it is most humbly prayed that this court may be pleased to accept this compromise memo and acquit the petitioners/accused 1 to 3 connected in C.C.No.1004 of 2009 pending revision in

Crl.R.C.No.649 of 2013 on the file of this Court and thus render justice.”

7. In view of the above, the offence under Section 138 of the NI Act stands compounded under Section 147, ibid and the accused are acquitted of the charge. The judgment and order dated 20.06.2011 passed in C.C.No.1004 of 2009 on the file of the Judicial Magistrate Court No.II, Coimbatore, confirmed by the judgment and order dated 31.08.2012 passed in C.A.No.155 of 2012 on the file of the I Additional District and Sessions Court, Coimbatore, are hereby set aside.

In fine, this criminal revision is allowed. The bail bond executed by the accused shall stand cancelled. Fine amount, if any, paid by the accused shall be refunded. The Registry is directed to return the original records to the Courts below concerned.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

nsd
To

1. The Judicial Magistrate No.II,
Coimbatore.
2. Do Thro The Chief Judicial Magistrate, Coimbatore
3. The I Additional District and Sessions Judge,
Coimbatore.
4. The Deputy Registrar (Crl.Section),
Madras High Court,
Chennai - 600 104.
- 5.The Superintendent
Central Prison, Coimbatore

Crl.R.C.No.649 of 2013

CA(CO)
SP(18/12/2019)