



Bail Slip

The Petitioner/Accused Viz., K.Periyasamy
S/o.Kaliannagounder was released on bail as per the order of
this court dated 28.03.2018 in Crl.M.P.No.5078 of 2018 in
Crl.R.C.No.418 of 2018 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.418 of 2018
and
Crl.M.P.No.2122 of 2019

K.Periyasamy
..

Petitioner/Appellant/Accused

Vs.

M/s.Pandian Finance,
Partnership Firm,
No.23/M2, Dinesh Complex,
EVX Sampath Road,
2nd Cross, Moolapattra Road,
Erode-638003.

.. Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the judgment and order dated 02.08.2017 passed
S.T.C.No.206 of 2015 on the file of the Judicial Magistrate
(Fast Track Court No.I), Erode, confirmed by the judgment and
order dated 02.01.2018 passed in C.A.No.227 of 2017 on the file
of the Principal Sessions Court, Erode.

For Petitioner : Mr.S.P.Yuvaraj



ORDER

This criminal revision has been preferred seeking to set aside the judgment and order dated 02.08.2017 passed S.T.C.No.206 of 2015 on the file of the Judicial Magistrate (Fast Track Court No.I), Erode, confirmed by the judgment and order dated 02.01.2018 passed in C.A.No.227 of 2017 on the file of the Principal Sessions Court, Erode.

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

3. The complainant initiated a prosecution in S.T.C.No.206 of 2015 before the Judicial Magistrate (Fast Track Court-I), 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 02.08.2017, convicted and sentenced the accused.

4. Challenging the conviction and sentence, the accused preferred an appeal in C.A.No.227 of 2017, which was dismissed on 02.01.2018 by the Principal Sessions Court, Erode, challenging which, the accused is before this Court.

5. During the pendency of the revision petition, it appears that the parties have arrived at a compromise.

6. Today, the complainant and the accused, along with their respective counsel, are present. The complainant has filed an affidavit dated 07.01.2019, wherein, he has stated as follows:

"3. I submit that the petitioner file the criminal revision petition in CrI.R.C.No.418 of 2017 before this Hon'ble High Court and the same is still pending. The respondent further submits that the pendency of the abovesaid CrI.r.C.No.418 of 2018, the petitioner has paid Rs.3,50,000/- and settled the dues and both parties arrived at 07.01.2019 and the respondent have accepted the above same.

4. Hence, the petitioner and the respondent jointly filing this compound petition before this Hon'ble High Court."



7. In view of the above, the offence under Section 138 of the NI Act, stands compounded under Section 147, ibid.

8. The learned counsel for the accused submitted that the accused has deposited a sum of Rs.2,95,000/- being 50% of the cheque amount before the Trial Court on 27.04.2018 vide receipt No.051046. The learned counsel for the complainant submitted that the complainant has no objection in the accused withdrawing the said amount. Hence, this Court holds that the accused will be entitled to withdraw the said amount from the Trial Court.

In the result, this criminal revision petition is allowed and the judgment and order dated 02.08.2017 passed S.T.C.No.206 of 2015 on the file of the Judicial Magistrate (Fast Track Court No.I), Erode, confirmed by the judgment and order dated 02.01.2018 passed in C.A.No.227 of 2017 on the file of the Principal Sessions Court, Erode, are set aside and the accused is acquitted of the said charge. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Erode.

2. The Judicial Magistrate-I,
(Fast Track Court)
Erode.

3.The Chief Judicial Magistrate,
Erode.

+1cc to Mr.S.P.Yuaraj, Advocate sr.54835

Cr1.R.C.No.418 of 2018

pm(co)
nr 03/07/2019