

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:18.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7319 of 2019

S.Muthamizhan

..Petitioner

Vs.

B.Paranthaman

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Metropolitan Magistrate, FTC-IV, George Town, Chennai to permit the petitioner to compound the offence with the respondent and consequently release the petitioner on bail.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mr.K.M.Subramaniam

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the Metropolitan Magistrate, FTC-IV, George Town, Chennai to permit the petitioner to compound the offence with the respondent and consequently release the petitioner on bail.

2.The learned counsel for the petitioner would submit that he was an accused in the C.C.No.2471 of 2014 on the file of the Metropolitan Magistrate, FTC-IV, George Town, Chennai. After the trial, the Trial Court convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and to pay a compensation of Rs.3,00,000/- within one month and in default to undergo simple imprisonment of two months. Aggrieved by the said conviction order, the petitioner preferred C.A.No.143 of 2017 before the learned VI Additional Sessions Judge, City Civil Court, Chennai and in the meanwhile a compromise arrived between the parties to settle the cheque amount in ten monthly installments and the petitioner could pay only Rs.45,000/- to the respondent and due to financial crisis, he was not able to pay the balance amount. Hence, the VI Additional Sessions Judge, City Civil Court, dismissed the C.A.No.143 of 2017 and confirmed the order passed by the Trial Court on 11.10.2018. Thereafter, the petitioner was arrested on 07.02.2019 and confined in Puzhal Prison, Chennai.

3.The learned counsel for the petitioner would further submit that the petitioner preferred Crl.R.C.Sr.No.9526 of 2019 along with condone delay petition and the same was dismissed by this Court. The petitioner is now ready to compound the offence with the respondent invoking Section 320 of Cr.P.C.. The petitioner is also having demand draft No.587044 for a sum of Rs.3,00,000/- dated 01.03.2019 drawn on Bank of India to settle the matter with the respondent. Accordingly, prays for appropriate orders.

4.It is seen from the records that the petitioner has been convicted for the offence under Section 138 of Negotiable Instruments Act and was ordered to undergo sentence of simple imprisonment for 6 months and to pay a compensation of Rs.3,00,000/- within one month and in default to undergo a further period of two months simple imprisonment. As against the said conviction order, the petitioner preferred C.A.No.143 of 2017 before the VI Additional Sessions Judge, City Civil Court, Chennai and the same was also dismissed by the Sessions Judge on 11.10.2018. Thereafter, the petitioner filed a Criminal Revision before this Court along with the condone delay of 29 days. The said Criminal Revision Petition was also dismissed on the SR stage itself.

5.It is also seen that the petitioner and the respondent arrived to a compromise and settled the issue by payment of the cheque amount by way of demand draft to the respondent. Today, the petitioner and the respondent present before this Court and submitted that they arrived to a compromise. The respondent has also filed an affidavit stating that he has no objection in allowing this petition.

6.Considering the above facts and circumstances, the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai is hereby directed to permit the petitioner to compound the offence in C.C.No.2471 of 2014 and release the petitioner forthwith.

7.Accordingly, this Criminal Original Petition stands allowed. The affidavit filed by the respondent shall form part and parcel of this Order.

* Enclosed the Xerox copy of the Memo of Compromise.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To

1.The Metropolitan Magistrate
FTC-IV, George Town
Chennai

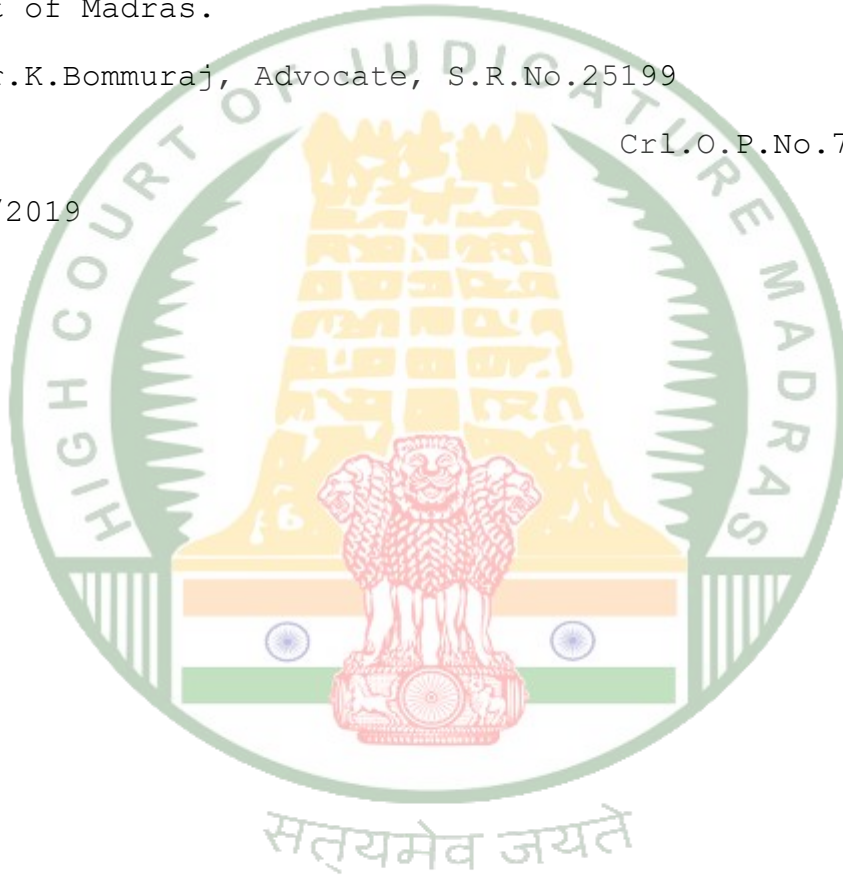
2.The VI Additional Sessions Judge
City Civil Court
Chennai

3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.K.Bommuraj, Advocate, S.R.No.25199

CrI.O.P.No.7319 of 2019

rrs 19/03/2019



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