

Bail Slip

The Petition/Accused namely R.Balaguru, S/o.Ramanujam, was directed to release on bail vide order dated 01/02/2016 made in CrI.MP.No.964 of 2016 in CrI.RC.No.150 of 2016.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.RC.No.150 of 2019
and CrI.MP.No.14667 of 2019

R.Balaguru
S/o.Ramanujam

..Petitioner/Accused

Vs.

Suresh Kumar

..Respondent/Complainant

Criminal Revision Case filed under Section 397 and 401 Criminal Procedure Code as against the judgment in CrI.A.No.12 of 2015 dated 19.11.2015 on the file of the Additional District Sessions cum Chief Judicial Magistrate, Ariyalur in confirming the order of conviction passed in S.T.C.No.90 of 2012 dated 28.04.2015 on the file of the Judicial Magistrate, Jayam Kondam.

For Petitioner : Mr.Himavanth
for Mr.P.Vasanth

For Respondent : Mr.Vinod Paul Thyagaraj

ORDER

During the pendency of the revision, the petitioner has compromised the matter and that pursuant to the compromise, the present compound petition in CrI.MP.No.14667 of 2019 has been filed. The trial Court while convicting the petitioner had sentenced him to undergo 6 months simple imprisonment and also to pay Rs.2,50,000/- as fine and in default of payment, he is sentenced to undergo another one month simple imprisonment, by judgment dated 28.04.2015.

2. The petitioner had deposited a sum of Rs.10,000/- before the trial Court on 28.04.2015 vide Challan No.1433680. The trial Court had suspended the sentence of the petitioner and thereafter, an appeal was filed by the petitioner in CrI.A.No.12

of 2015 before the learned Additional District Sessions cum Chief Judicial Magistrate, Ariyalur and the Appellate Court vide judgment dated 19.11.2015 had confirmed the order passed by the trial Court. The petitioner, thereafter, preferred this revision and as per the direction of this Court had deposited an amount of Rs.60,000/- before the trial Court in STC.No.90 of 2012 vide Challan receipt dated 26.02.2016. As on date, an amount of Rs.70,000/- has been deposited before the trial Court to the credit of STC.No.90 of 2012 on the file of Judicial Magistrate, Jeyankondam.

3. During the pendency of the revision, the petitioner has paid an amount of Rs.1,38,000/- on 03.10.2019. Today, an amount of Rs.42,000/- has been paid by cash to the respondent.

4. The learned counsel appearing for the petitioner as well as the respondent would submit that they compromised the matter pursuant to which a petition has been filed seeking to compound the offence and would pray that the revision may be allowed and the respondent may be permitted to withdraw the amount of Rs.70,000/- deposited before the trial Court to the credit of S.T.C.No.90 of 2012.

5. In the aforesaid circumstances, the Criminal Revision Case and Crl.M.P.No.14667 of 2019 are allowed and the offence under Section 138 of the Negotiable Instruments Act, 1881 is compounded and the conviction and sentence impugned in S.T.C.No.90 of 2012 by the Judicial Magistrate, Jeyamkondam dated 28.04.2015 and confirmed by the Additional District Sessions cum Chief Judicial Magistrate, Ariyalur in Crl.A.No.12 of 2015 dated 19.11.2015 are set aside and the petitioner is acquitted of the offences. Consequent to the order, the bail bonds stands cancelled and the respondent/complainant is permitted to withdraw the amount of Rs.70,000/- deposited to the credit of STC.No.90 of 2012 on the file of the learned Judicial Magistrate, Jeyankondam. सत्यमेव जयते

6. The petitioner is directed to pay Rs.5,000/- to the credit of Legal Service Authority attached to the trial Court.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional District Sessions cum
Chief Judicial Magistrate,
Ariyalur.
2. The Judicial Magistrate,
Jayamkondam.
3. The Chief Judicial Magistrate,
Perambalur.
4. Legal Services Authority,
Jayamkondam, Ariyalur District.

Copy to : The Section Officer, Criminal Section,
High Court of Madras, Chennai.

+1cc to M/s.P.Vasanth, Advocate Sr.No.85999

+1cc to M/s.S.Manikkannan, Advocate Sr.No.85700

AKM/06.12.19 /3P-8C/

Crl.RC.No.150 of 2016
and

Crl.MP.No.14667 of 2019

सत्यमेव जयते

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