

BAIL SLIP

The Petitioner/Accused viz., S.A.Mohan, S/o.S.N.Iyyer, be and hereby was directed to be released on bail as per order of this court, dated 11.01.2016 and made in CrI.M.P.No. 258 of 2016 in CrI.RC.43 of 2016.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.10.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.RC.No. 43 of 2016

CrI.M.P.No. 15290 of 2019

S.A.Mohan ... Petitioner/accused

Vs

R.Jegannathan ... Respondent/complainant

Prayer: The Criminal Revision Petition has been filed under Section 397 read with 401 of Cr.P.C, to set aside the Judgment, dated 17.02.2015 made in C.C.No. 287/2013 by the Judicial Magistrate FTC - at Magistrate Level -2, Coimbatore, confirmed by the Judgment, dated 07.09.2015, made in C.A.No. 59/2015 by the IV th Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.V.Chinnasamy

For Respondent : Mr.J.Paulson

ORDER

The Criminal Revision Petition has been filed under Section 397 read with 401 of Cr.P.C, to set aside the Judgment, dated 17.02.2015

made in C.C.No. 287/2013 by the Judicial Magistrate FTC - at Magistrate Level -2, Coimbatore, confirmed by the Judgment, dated 07.09.2015, made in C.A.No. 59/2015 by the IV th Additional District and Sessions Judge, Coimbatore.

2. Heard, the learned counsel appearing for both sides and

perused the materials available on record.

3. In and by the impugned Judgments of both the Courts below, the petitioner / accused was found guilty for the commission of offence under Section 138 of Negotiable Instruments Act and convicted and sentenced to undergo simple imprisonment for 10 months and to pay a fine of Rs. 3,000/-, in default, to undergo one month simple imprisonment.

4. During the pendency of the revision, the parties have entered into a compromise, pursuant to which, the petitioner / accused has paid the entire cheque amount of Rs. 3,00,000/- to the respondent, on 21.02.2009.

5. In view of the compromise and payment of the cheque amount, along with this Criminal Revision Petition, the petitioner has filed CrI.MP.No. 15290 of 2019 under Section 147 of the NI Act to compound the offences. The parties are present before this Court today.

6. The learned counsel appearing for both the parties would submit that pursuant to the compromise, the petitioner has paid the cheque amount of Rs.3,00,000/- to the respondent/complainant and the compounding fee has also been paid.

7. In view of the above, this Criminal Civil revision petition stands allowed. The Judgment of conviction and Sentence, dated 17.02.2015 made in C.C.No. 287/2013 by the Judicial Magistrate FTC at Magistrate Level -2, Coimbatore and the Judgment dated 07.09.2015, made in C.A.No. 59/2015 by the IVth Additional District and Sessions Judge, Coimbatore are set aside. While compounding the offence under Section 138 of the Negotiable Instruments Act. The petitioner is acquitted of the charges under Section 138 of the Negotiable Instruments Act. The bail bond if any executed by the petitioner stand cancel and the fine amount shall be refunded to the petitioner/accused. The parties shall pay Rs.5,000/- each to the Taluk Legal Services Authority attached to the Trial Court. Accordingly, the Criminal Miscellaneous Petition is also ordered.

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Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kmm

To:

- 1.The Chief Judicial Magistrate,
Coimbatore.
2. The Judicial Magistrate
FTC - at Magistrate Level -2,
Coimbatore.
3. The IV th Additional District and Sessions Judge,
Coimbatore.

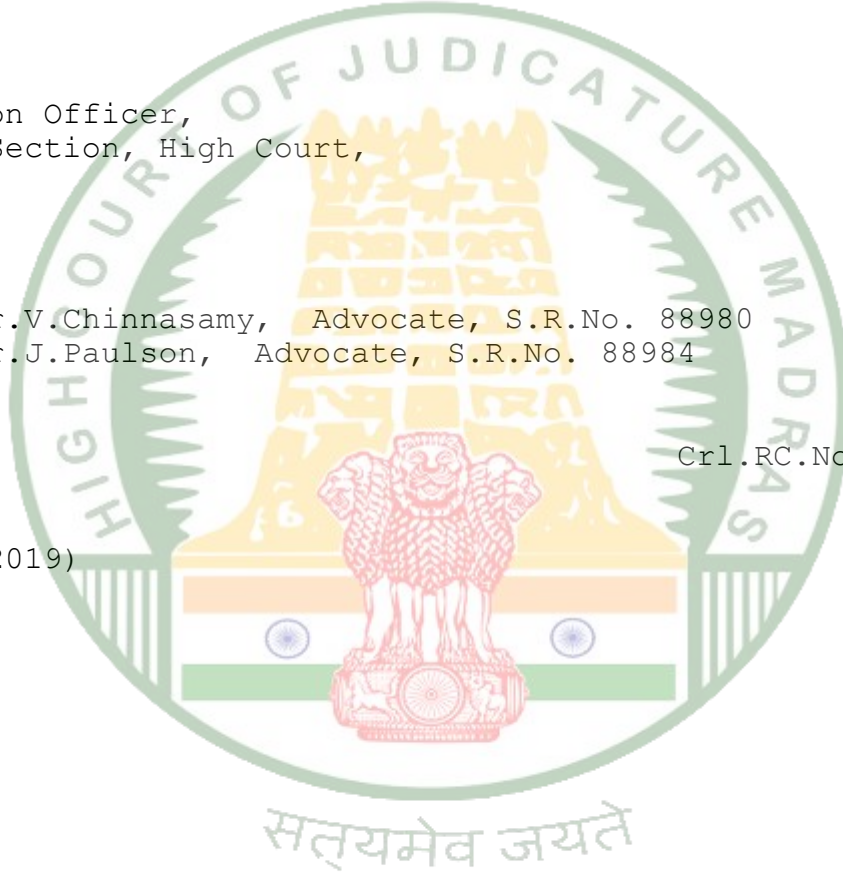
Copy To

The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to Mr.V.Chinnasamy, Advocate, S.R.No. 88980
+1cc to Mr.J.Paulson, Advocate, S.R.No. 88984

CrI.RC.No.43 of 2016

PA (CO)
GN(12/12/2019)



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