

Bail Slip

The Petitioner/Accused viz, B.RajendrakumarS/o.Basavanthraj was directed to released on bail as per order of this Court, dated 21.01.2016 in Crl.M.P.No.518 of 2016 in Crl.R.C.No.77 of 2016.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.77 of 2016

B.Rajendrakumar ... Petitioner/Accused

-Vs-

P.Sekar ... Respondent/Complainant

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to call for the records and set aside the judgment in Crl.A.No.71 of 2014 dated 08.12.2015 passed by the 1st Additional Sessions Judge, Chennai in C.C.No.4858 of 2012 dated 24.02.2014 passed by the Metropolitan Magistrate No.II, Fast Track Court No.II, Egmore, Chennai and set the petitioner at liberty.

For Petitioner : Mr.P.Nagaraju

For Respondent : Mr.S.Elango

सत्यमेव जयते

O R D E R

This Criminal Revision Petition has been filed to call for the records and set aside the judgment dated 08.12.2015 passed by the 1st Additional Sessions Judge, Chennai in Crl.A.No.71 of 2014 and order dated 24.02.2014 passed by the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai in C.C.No.4858 of 2012.

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

3. The complainant initiated a prosecution in C.C.No.4858 of 2012 before the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai, under Section 138 of the Negotiable Instruments Act, against the accused, in which, the accused was convicted under Section 138 of the Negotiable Instruments Act and was sentenced to undergo Simple Imprisonment for a period of one year and to pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) as compensation to the complainant and in default to undergo imprisonment for a further period of one month. Challenging the conviction and sentence, the accused filed Criminal Appeal in C.A.No.71 of 2014, which was partly allowed with modification in the sentence alone. Challenging the orders passed by the Trial Court and the Appellate Court, the accused filed this Criminal Revision Petition before this Court.

4. During the pendency of this revision petition, the matter was referred to Lok Adalat, where the parties have entered into a settlement.

5. Today, Mr.P.Sekar, S/o.Pasimuthu, the complainant and Mr.S.Elango, learned counsel for the complainant are present before this Court. The Complainant has filed an affidavit dated 18.06.2019, wherein, he has stated as follows:

"I humbly submit that I had filed a complaint against the petitioner herein under Section 138 of the Negotiable Instruments Act in C.C.No.4858 of 2012 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, in which, the petitioner has been convicted, against which, the petitioner has preferred Crl.A.No.71 of 2014 on the file of the I Additional Sessions Judge, Chennai, in which the order of the Trial Court was confirmed, against which, the petitioner has preferred the present Revision Petition.

2. I humbly submit that the present case has been referred to the Lok Adalath and on 11.02.2017, it has been mutually agreed between the parties that the petitioner has offered to pay a sum of Rs.1,00,000/- as full and final settlement, which was accepted by the respondent.

3. I humbly submit that as per the agreed terms, the petitioner has paid a sum of Rs.50,000/- on 04.04.2017 and remaining

Rs.25,000/- on 13.05.2017 and Rs.25,000/- on 20.06.2017. I humbly submit that this Hon'ble Court may be pleased to record the same and pass suitable orders."

6. In view of the above compromise, which is permissible under Section 147 of the Negotiable Instruments Act, this Criminal Revision Petition is allowed and the conviction and sentence imposed by the Trial Court and the Appellate Court against the accused is hereby set aside and the accused is acquitted of the charges.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

mk

To

1. The 1st Additional Sessions Judge,
Chennai.
2. The Metropolitan Magistrate
Fast Track Court No.II,
Egmore, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Elango, Advocate SR.No.49799

Crl.R.C.No.77 of 2016

PA(CO)
GMY(22/07/2019)

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