

BAIL SLIP

The Petitioner/Accused namely Muthiyalu, S/o.Ramalingam, was directed to be released on bail vide order dated 25.06.2018 made in Crl.MP.No. 8340 & 8341 of 2018 in Crl.R.C.No.724/2018.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C.No.724 of 2018

Muthiyalu ... Revision Petitioner/Accused

Vs.

Narayana Asari ... Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., praying to set aside the judgment dated 30.03.2016 passed in C.A.No.48 of 2014 on the file of the V Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 19.03.2014 in C.C.No.96 of 2013 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.C.Deivasigamani

O R D E R

This Criminal Revision Case has been filed against the judgment dated 30.03.2016 passed in C.A.No.48 of 2014 on the file of the V Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 19.03.2014 in C.C.No.96 of 2013 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.

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

3.It is the case of the complainant that the accused issued five cheques, totally valued at Rs.29,00,000/- (Rupees

twenty nine lakhs only) to the complainant for discharging certain debts. The cheques were dishonoured and hence, the complainant initiated prosecution against the accused in C.C.No.96 of 2013 before the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, for the offence under Section 138 of the Negotiable Instruments Act. The accused was convicted and sentenced by the trial Court on 19.03.2014. An appeal in C.A.No.48 of 2014, filed by the accused, before the V Additional District and Sessions Judge, Coimbatore, was dismissed on 30.03.2016.

4.Challenging the judgments passed by the appellate Court and the trial Court, the accused has preferred the above revision case.

5.Mr.C.Deivasigamani, learned counsel, entered appearance for the complainant in this revision case.

6.During the pendency of this revision case, it is represented that the complainant and the accused have arrived at a compromise and the terms of which are as under :

"In the criminal Revision this Hon'ble Court has directed the accused to deposit a sum of Rs.7,00,000/- in Cr.M.P.No.6178/2018 on 25-4-2018 before the trial Court.

The accused has deposited the amount in two instalments Rs.5,00,000/- and Rs.2,00,000/- on 27-3-2018 and 14-06-2018.

Now the parties have compromised the matter and agreed for payment of a sum of Rs.24,00,000/- in total instead of Rs.29,00,000/- the value of the cheque. Already the accused has paid a sum of Rs.17,00,000/- (Seventeen lakhs) to the complainant. The remaining amount of Rs.7,00,000/- will be paid by withdrawal of the amount deposited in the court by the Complainant.

Both the parties come to a settlement on the above terms and this Hon'ble Court may be pleased to pass an order based on the compromise and thus render justice."

7.Since, the matter is compounded under Section 147 of the Negotiable Instruments Act, this Criminal Revision Case is allowed and the judgments in C.A.No.48 of 2014, passed by the V Additional District and Sessions Judge, Coimbatore, and in C.C.No.96 of 2013, passed by the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, are hereby set aside. The accused stands acquitted of the charge.

8.This Court directs the Judicial Magistrate, Fast Track

Court at Magisterial Level-II, Coimbatore, to disburse the said sum of Rs.7,00,000/- (Rupees seven lakhs only) to the complainant. Fine amount, if any, paid by the accused shall be refunded to him. Bail bond, if any executed, shall stand discharged.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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Copy to :

- 1.The V Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate,
Fast Track Court at Magisterial Level-II,
Coimbatore.
3. The Chief Judicial Magistrate,
Coimbatore.
4. The Principal Sessions Judge,
Coimbatore.
5. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.S.Deivasigamani, Advocate, S.R.No.56277

+1cc to Mr.S.Saravanan, Advocate, S.R.No. 56340

Cr1.R.C.No.724 of 2018

GN(16/08/2019)

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