

BAIL SLIP

The petitioner/Accused namely A.Jilani, S/o.Abdul Sheriff ws directed to be released on bail as per the order of this High Court dated 04.07.19 made in Crl.M.P.8795 and 8799/19.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.631 of 2019

and

Crl.MP.No.8797 of 2019

A.Jilani

S/o.Abdul Sheriff

... Petitioner/Accused

-Vs-

A.Eakaambaram

S/o.Arumugam

.. Respondent/ Complainant

Criminal Revision Petition filed under section 631 r/w 401 of the Code of Criminal Procedure to set aside the judgment dated 02.01.2019 passed in Crl.A.No.311 of 2018 on the file of the II Additional District and Sessions Court, Erode, confirmed the judgment dated 06.08.2018 passed in S.T.C.No.544 of 2017 on the file of the District Munsif-cum-Judicial Magistrate, Kodumudi.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.M.Rajkumar

O R D E R

This Criminal Revision has been filed to set aside the judgment dated 02.01.2019 passed in Crl.A.No.311 of 2018 on the file of the II Additional District and Sessions Court, Erode, confirmed the judgment dated 06.08.2018 passed in S.T.C.No.544 of 2017 on the file of the District Munsif-cum-Judicial Magistrate, Kodumudi.

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

3. The complainant initiated a prosecution in STC.No.544 of 2017 before the District Munsif-cum-Judicial Magistrate, Kodumudi, for the offence under Section 138 of the Negotiable Instruments Act, against the accused for dishonouring the cheque dated 05.05.2017 for a sum of Rs.2,75,000/-, in which, the accused was convicted on 06.08.2018 and was sentenced to undergo one year Simple Imprisonment. Challenging the conviction and sentence, the accused preferred Crl.A.No.311 of 2018, which was dismissed by the II Additional District and Sessions Judge, Erode on 02.01.2019. Challenging the conviction and sentence, the accused has filed the present revision.

4. Heard the learned counsel appearing for the accused and the learned counsel appearing for the complainant.

5. The learned counsel appearing on either side submitted that the parties have arrived at a compromise and are willing to have the offence compounded.

6. Today, A.Jilani, the accused and A.Eakaambaram, the complainant are present before this Court and they are identified by their respective counsels.

7. Today, Eakaambaram/Complainant has filed an affidavit dated 09.08.2019, wherein in Paragraph No.2, he has stated as follows:

"2. I submit that in the meantime we arrived for compromise out of the Court and in the same I received the amount from the petitioner and hence, I have no objection to allow this Crl.R.C."

8. In view of the above, this Criminal Revision Petition is allowed and the judgment dated 02.01.2019 passed in Crl.A.No.311 of 2018 on the file of the II Additional District and Sessions Court, Erode, and the judgment dated 06.08.2018 passed in S.T.C.No.544 of 2017 on the file of the District Munsif-cum-Judicial Magistrate, Kodumudi are hereby set aside. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charge. Connected miscellaneous petition is closed.

mk

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The II Additional District and Sessions Judge,
Erode.
- 2.The District Munsif-cum-Judicial Magistrate,
Kodumudi.
3. -Do- Thro' The Chief Judicial Magistrate,
Erode.

+1cc to Mr.C.S.Saravanan, Advocate, SR.No.68918/19

Cr1.R.C.No.631 of 2019

Kak(27/09/2019)