

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.917 of 2018
and
Crl.M.P.No.4531 of 2019

G. Sridhar ... Petitioner/Accused
Vs.

K.A.Krishnasami ...Respondent/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure, to call for the records in C.A.No..230 of 2017 dated 23.07.2018 on the file of the learned I Additional District Sessions Judge, Coimbatore and confirmed the order in C.C.No.660 of 2017 dated 27.07.2017 on the file of the learned Judicial Magistrate, Sulur, Coimbatore.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.P.M.Duraisamy

O R D E R

The above Criminal Revision has been filed to call for the records in C.A.No..230 of 2017 dated 23.07.2018 on the file of the learned I Additional District Sessions Judge, Coimbatore and confirmed the order in C.C.No.660 of 2017 dated 27.07.2017 on the file of the learned Judicial Magistrate, Sulur, Coimbatore.

2. The petitioner is the accused and the respondent is the complainant. The complainant/respondent filed a private complaint against the revision petitioner/accused under Section 200 Cr.P.C., for the offence under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate, Sulur, Coimbatore which was taken on file in C.C.No.660 of 2017. After completing trial, the learned Magistrate found the accused guilty and convicted and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.4,00,000/- as compensation to the respondent, in default, to undergo simple imprisonment for three months. Aggrieved against the order of the learned Magistrate, the petitioner had preferred an appeal before the learned I Additional District and Sessions Judge, Coimbatore. The learned Sessions Judge had taken

a case on file in C.A.No.230 of 2017 and the same was dismissed by confirming the conviction and sentence passed by the learned Magistrate, Sulur, Coimbatore in C.C.No.660 of 2017, dated 27.05.2017. As against the said judgment, the petitioner/accused has filed the present revision before this Court.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as the respondent informed that a settlement has been reached between the parties. The petitioner has filed a petition in CrI.M.P.No.4531 of 2019 informing that the matter has been compromised between the petitioner and the respondent. The petitioner filed a memo of compromise dated 09.04.2019 and subsequently, on 27.03.2019 filed an affidavit for depositing a sum of Rs.60,000/- before the Registry as compounding fee. Hence, the learned counsel for the petitioner prays this Court to set aside the conviction rendered by the learned I Additional District Sessions Judge, Coimbatore in C.A.No..230 of 2017 dated 23.07.2018.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by him in CrI.M.P.No.4531 of 2019, this Court records compounding of offence under Section 138 of the Negotiable Instrument Act. This Criminal Revision Case shall stand allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.A.No..230 of 2017 dated 23.07.2018, on the file of the I Additional District Sessions Judge, Coimbatore, shall stand compounded. According to Section 320(8) Cr.P.C., the petitioner/accused shall stand acquitted from the acquisition levelled against him. The compound fee deposited before the Registry is ordered to be remitted to the Tamil Nadu State Legal Services Authority, Chennai. Consequently, connected miscellaneous petition is ordered. The memo of compromise dated 09.04.2019 signed by both the learned counsel and parties shall form part of the order.

*The Xerox copy of the
Memo of Compromise enclosed

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rli

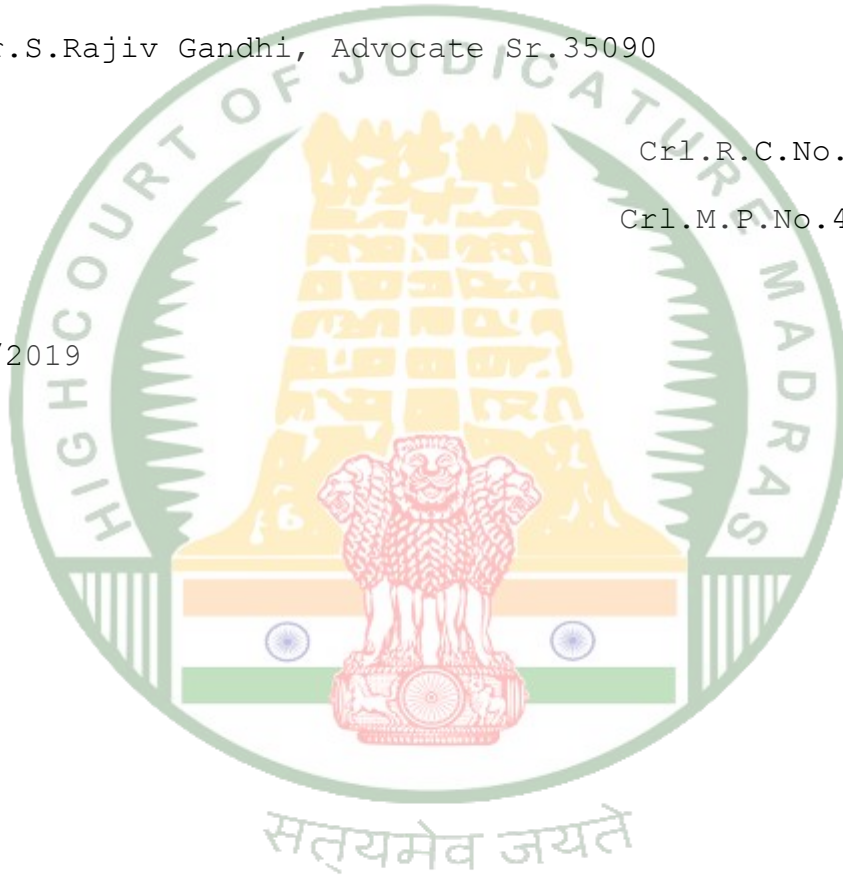
To

1. The I Additional District Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Sulur, Coimbatore.

+1cc to Mr.S.Rajiv Gandhi, Advocate Sr.35090

Crl.R.C.No.917 of 2018
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