

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.374 of 2019 and
Crl.M.P.Nos.5497 and 16037 of 2019

K.Kirubakaran

..Petitioner

Vs.

F.Ramesh

..Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order made in Criminal Appeal No.148 of 2014 dated 26.09.2018 on the file of the I Additional District and Sessions Judge, Salem, confirming the judgment made in C.C.No.520 of 2006 dated 03.09.2014 on the file of the Judicial Magistrate No.2, Salem.

For Petitioner : Mr.Sathish Kumar K.
For Respondent : Ms.R.Preethika

ORDER

The revision petitioner herein is an accused in C.C.No.520 of 2006 on the file of the learned Judicial Magistrate No.2, Salem and he was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay the cheque amount of Rs.2,10,000/- to the complainant within one month, failing which, he shall undergo simple imprisonment for a further period of 3 months. Aggrieved over the same, the petitioner preferred a Criminal Appeal before the learned I Additional District Judge, Salem in Crl.A.No.148/2014. By judgment dated 26.09.2018, the Appellate Court confirmed the conviction and sentence of the trial Court. Against the same, the petitioner is before this Court with this Criminal Revision.

2. The learned counsel appearing for the petitioner submits that the matter is now compromised between the parties and the revision petitioner has also made full and final settlement of Rs.1,50,000/- as agreed upon by both parties and the balance cheque amount of Rs.1,00,000/- has already been paid by the revision petitioner to the respondent.

3. The learned counsel appearing for the respondent/complainant admits that the matter has been compromised and the respondent has also received the entire

cheque amount. Therefore, the respondent/complainant is ready to compound the offence. It is further submitted that a petition under Section 147 of the Negotiable Instruments Act is also filed before this Court seeking permission of the Court for compounding the offence.

4. This Court has considered the submissions made by both parties.

5. In view of the fact that the matter being compromised and as the complainant is also prepared to compound the offence, the petition filed before this Court under Section 147 of the Negotiable Instruments Act for compounding the offence is allowed.

6. As the offence has been compounded, this Criminal Revision Petition is allowed and the conviction and sentence imposed on the petitioner in C.C.No.520 of 2006 dated 03.09.2014 on the file of the Judicial Magistrate No.2, Salem which was confirmed in Criminal Appeal No.148 of 2014 dated 26.09.2018 on the file of the I Additional District and Sessions Judge, Salem, are set aside and the petitioner/accused is acquitted from the charge. It is made clear that the amount already deposited as mandatory deposit before the lower court is directed to be withdrawn by the party concerned. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The I Additional District and Sessions Judge, Salem.

2. The Judicial Magistrate No.2, Salem.

+1 cc to M/s.K.Sathish Kumar, Advocate Sr.No.103565

AKM/27.01.2020/2P-4C /

CrI.R.C.No.374 of 2019