

Bail Slip in CrI R.C.602/2019

Mr.B.P.Matheswaran accused in STC 219/16 on the file of FTC no.2, Erode court enlarged on bail by his court order dt 26/6/19 in CrI.mp.8234/19 in CrI.Rc.602/19

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.R.C.No.602 of 2019
and CrI.M.P.No.12237 of 2019

B.P.Matheswaran,
Prop. M.G.Senthil Tex,
D.No.44, No.16, Main Road,
Sathyamoorthy Street,
Ashokapuram,
Erode 638 004.

.. Petitioner

Vs

V.Thangaraj

.. Respondent

Criminal revision preferred under Section 397 and Section 401 Cr.P.C. against the judgment passed in C.A.No.24 of 2019 on the file of the Principal Sessions Court, Erode dated 18.03.2019 confirming the conviction and sentence passed by the Judicial Magistrate (Fast Track Court No.II), Erode in S.T.C.No.219 of 2016 dated 24.12.2018.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.I.C.Vasudevan

O R D E R

This Criminal Revision has been preferred to set aside the judgment and order dated 18.03.2019 passed in C.A.No.24 of 2019 by the Principal Sessions Judge, Erode confirming the conviction and sentence passed by the Judicial Magistrate, Fast Track Court No.II, Erode in S.T.C.No.219 of 2016 dated 24.12.2018.

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

3. The complainant initiated a prosecution before the Judicial Magistrate, Fast Track Court No.II, Erode in S.T.C.No.219 of 2016 under Section 138 of the Negotiable Instruments Act, 1881 against the accused, in which, the accused was convicted on 24.12.2018 and was sentenced to undergo 1 year simple imprisonment and fine of Rs.5,000/-, in default to undergo 3 months simple imprisonment. The cheque amount in this case is Rs.4,00,670/-. The appeal in C.A.No.24 of 2019 filed by the accused, has been dismissed by the Principal Sessions Court, Erode on 18.03.2019. Challenging the conviction and sentence, the accused filed the above revision petition.

4. During the pendency of this revision petition, it appears that the complainant and the accused have amicably settled the matter and therefore, they have filed Crl.M.P.No.12237 of 2019 to compound the offence under Section 147 of the Negotiable Instruments Act, 1881. Along with the compounding petition, the parties have filed the original of the memorandum of agreement dated 10.08.2019, under which, the accused has paid the cheque amount to the complainant and the complainant has agreed to compound the offence.

5. In view of the above, this revision petition and Crl.M.P.No.12237 of 2019 are allowed and the offence stands compounded under Section 147 of the Negotiable Instruments Act. Consequently, the conviction and sentence imposed on the accused by the Courts below are set aside and the accused is acquitted of the said charge and the fine paid, if any, may be refunded.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Principal Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court No.II,
Erode.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.73783
+1cc to Mr.I.C.Vasudevan, Advocate SR.73770

CRL.R.C.No.602 of 2019

SS(CO)
CB(15/10/2019)