

BAIL SLIP

R.Natesan, S/o. Ramaiya Pillai accused in C.C.No. 877 of 2012 and 878 of 2012 vide order dated 05/06/2014 on the file of the Judicial Magistrate, Alandur and confined in C.A.No. 12 of 2014 and C.A. 13 of 2014 vide order dated 23.04.2019 on the file of the Principal Sessions Judge of Kancheepuram at Chengalpattu was enlarged on bail by this Court dated 13/08/2019 in Crl.M.P.No.10001 of 2019 in Crl.RC.No. 713 of 2019 and Crl.MP.10003 of 2019 in Crl.RC.No. 714 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.Nos.713 and 714 of 2019

CRL.RC. 713 OF 2019

1. M/s.Vijay Builders, rep. by its Partner, R.Natesan	.. Petitioners / Accused 1 & in Crl.RC. 713 of 2019
2.R.Natesan	

Vs.

B.Ganesan	.. Respondent / Complainant
* * *	

Prayer: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure praying to call for the records and set aside the judgment of the appellate court made in C.A.No.12 of 2014 dated 23.04.2019 on the file of the learned Principal Sessions Judge of Kancheepuram at Chengalpattu in dismissing the appeal filed by the petitioner / appellant herein and confirming the conviction and sentence passed by the learned Judicial Magistrate, Alandur, in C.C.No.877 of 2012 by judgment dated 05.06.2014 in convicting the first petitioner herein for the alleged offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and to pay compensation of Rs.10,00,000/- (Rupees Ten lakhs only).

CRL.RC. NO. 714 OF 2019

R.NATESAN

..PETITIONER/APPELLANT/ACCUSED

VS

B.GANESAN

.. RESPONDENT/RESPONDENT/COMPLAINANT

PRAYER IN CRL.RC.NO. 714 OF 2019:

Criminal Revision Case filed under section 397 and 401 of the Code of Criminal Procedure Praying to call for the records and set aside the Judgment of the appellate court made in C.A.No. 13 of 2014 dated 23.04.2019 on the file of the Learned Principal Sessions Judge of Kancheepuram at Chengalpattu in dismissing the appeal filed by the petitioner/appellant herein and confirming the conviction and sentence passed by the Learned Judicial Magistrate, Alandur, in CC.No. 878 of 2012 by judgement dated 05.06.2014 in convicting the petitioner herein for the alleged offense under section 138 of Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and to pay compensation of Rs.10,00,000 (Rupees Ten Lakhs Only).

For Appellants : Mr.T.Shanmugam

For Respondent : Mr.L.Ramu

O R D E R

The petitioners have been convicted by the learned Judicial Magistrate, Alandur, for the offence under Section 138 of the Negotiable Instruments Act, 1881, in C.C.No.877 of 2012 by the judgment dated 05.06.2014 and they have been sentenced to undergo six months simple imprisonment and pay compensation of rupees ten lakhs, being the cheque amount to the complainant. The appellate Court, viz., Principal Sessions Court Kancheepuram at Chengalpattu, confirmed the conviction and sentence in C.A.No.12 of 2014 by the judgment dated 23.04.2019. This revision is filed challenging the said concurrent findings.

2. Learned counsel for the parties submitted that the parties have settled the dispute and arrived at a compromise and also filed a Joint Compromise Memo dated 06.11.2019. The Joint Compromise Memo signed by both the petitioner and the respondent and counter-signed by their respective counsels reads as follows :

Joint Compromise Memo filed by the petitioner
and the respondent

The petitioner and the respondent are begs to submit as follows :

1. The above Criminal Revision Petition filed by the petitioner against the judgment dated 23.04.2019 passed C.A.No.13 of 2014 by the Principal Sessions Judge, Chengalpat dismissing appeal and confirming the judgment dated 05.06.2014 passed in C.C.No.878 of 2012 by the learned Judicial Magistrate, Alandur, convicted the petitioner and sentence to him to undergo simple imprisonment for six months and also directed compensation of Rs.10,00,000/- for the alleged offence under Section 138 of Negotiable Instruments Act. This Hon'ble Court was pleased order suspension of sentence and bail granted in Crl.M.P.No.10007 of 2019 on 13/08/2019 with imposing some conditions.

2. It is submitted that during the pendency of the above criminal revision petition, the petitioner and respondent settled the dispute in this case amicably in following manner :-

a. The respondent already withdrawn an amount of Rs.5,00,000/- (Rupees Five Lakhs only) as per order passed by this Hon'ble Court in M.P.No.2/2011 in Crl.O.P.No.17313/2010 which was deposited by the petitioner as per conditions imposed in the anticipatory bail application in Crime No.226/2010 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and the respondent accepted and admitted the same.

b. The petitioner also paid an amount of Rs.4,00,000/- (Rupees Four Lakhs only) on 03/11/2019 by way of cash to the respondent and the respondent also accepted admitted the same.

3. It is further submitted that the respondent hereby admitted and acknowledged that he received the total amount of Rs.9,00,000/- (Rupees Nine Lakhs only) from the petitioner as full and final settlement amount claim under cheque in questioning in the above case.

4. The petitioner and the respondent are voluntarily filed this Joint Compromise Memo and the respondent have not objection for set aside the judgment passed against the petitioner in C.C.No.878/2012 and confirmed the same in the Crl.A.No.13/2014.

It is therefore prayed that this Hon'ble Court may be pleased to record this Joint Compromise Memo filed by the petitioner and the respondent and also set aside the conviction and sentence passed in the

judgment dated 05/06/2014 in C.C.No.878 of 2012 by the learned Judicial Magistrate, Alandur for the offence under Section 138 of the Negotiable Instruments Act and confirmed the same vide judgment dated 23/04/2019 passed in C.A.No.13 of 2014 by the Principal Sessions Judge, Chengalpattu and this render justice.

3. The Joint Compromise Memo is taken on record and shall form part of the record.

4. In view of the Joint Compromise Memo dated 06.11.2019, these revision cases stand disposed of, in terms of the said memo. Accordingly, the conviction and sentence imposed on the petitioner by the trial court and confirmed by the appellate court are set aside. Bail bonds executed by them shall stand cancelled.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Kancheepuram at Chengalpattu.
2. The Judicial Magistrate, Alandur.
3. The Chief Judicial Magistrate,
Chengalpattu.

Copy To

The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to Mr.L.Ramu, Advocate, S.R.No. 106343

CrI.R.C.Nos.713 & 714 of 2019

SS(CO)
GN(27/12/2019)