



Bail Slip

The Petitioner/Accused Viz., G.Balakrishnan S/O Gopalakrishnan was directed to be released on bail as per order of this Court dated 27/2/2017 in CrI.M.P.No.2978 & 2979 of 2017 in CrI.R.C.No.313/2017 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.R.C.No.313 of 2017
and
CrI.MP.No.8252 of 2019

G.Balakrishnan
S/o.Gopalakrishnan

... Petitioner/Accused

-Vs-

V.S.Shanmugam
S/o.Sundaram

... Respondent/Complainant

Criminal Revision Petition No.313 of 2017 filed under section 397 r/w 401 of the Code of Criminal Procedure against the judgment passed in C.A.No.178 of 2016 on the file of I Additional District and Sessions Court, Erode, dated 15.12.2016 confirming the conviction and sentence passed by the learned Judicial Magistrate (Fast Track Court No.I) Erode in STC.No.429 of 2014 dated 08.09.2016.

Criminal Miscellaneous Petition No.8252 of 2019 filed under Section 482 Cr.P.C to record the memo of compromise entered into between the parties on 30.07.2018 pending CrI.RC.No.313 of 2017 and permit them to compound the offence, for which, the petitioner had been charged and convicted. The petitioner shall be acquitted of all charges and the conviction and sentence passed against him in S.T.C.No.429 of 2014 on the file of the Judicial Magistrate (Fast Track Court No.1), Erode dated 08.09.2016 and as confirmed by the judgment in C.A.No.178 of 2016 on the file of I Additional District and Sessions Court, Erode dated 15.12.2016 shall be set aside.

For Petitioner : Mr.Kaithamalai Kumaran

For Respondent : Mr.M.Guruprasad



O R D E R

This Criminal Revision Petition has been filed against the judgment dated 15.12.2016 passed in C.A.No.178 of 2016 on the file of I Additional District and Sessions Court, Erode, confirming the conviction and sentence passed on 08.09.2016 by the learned Judicial Magistrate (Fast Track Court No.I) Erode in STC.No.429 of 2014.

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

3. The complainant initiated a prosecution in STC.No.429 of 2014 before the Judicial Magistrate, Fast Track Court No.I, Erode, under Section 138 of the Negotiable Instruments Act, against the accused, in which, the accused was convicted on 08.09.2016 and was sentenced to undergo 6 months simple imprisonment and fine of Rs.5,000/-, in default to undergo 15 days simple imprisonment. Challenging the conviction and sentence, the accused filed Crl.A.No.178 of 2016, which was dismissed by the learned I Additional District and Sessions Judge, Erode, on 15.12.2016. Challenging the orders passed by the Courts below, the accused has filed the present revision petition.

4. During pendency of the revision petition, it appears that the accused and the complainant have arrived at a compromise.

5. The accused filed Crl.MP.No.8252 of 2019 in Crl.RC.No.313 of 2017, praying to record the memo of compromise entered into between the parties on 30.07.2018 pending Crl.RC.No.313 of 2017 and to compound the offence, for which the petitioner had been charged and convicted and to set aside the order dated 08.09.2016 passed in S.T.C.No.429 of 2014 on the file of the Judicial Magistrate (Fast Track Court No.1), Erode and order dated 15.12.2016 passed in C.A.No.178 of 2016 on the file of I Additional District and Sessions Court, Erode and prayed to acquit him of all the charges.

6. The complainant filed an affidavit dated 24.08.2018 in Crl.MP.No.8252 of 2019 in Crl.RC.No.313 of 2017, wherein he has stated as follows:

"I state that aggrieved against the orders of the Court below the petitioner/accused has preferred the above said Crl.R.C.No.313 of 2017 before this Hon'ble Court. During pendency of the above said Crl.R.C., the dispute between us were amicably settled through negotiation. I



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submit that I received a sum of Rs.60,000/- in full quit towards the cheque amount of Rs.90,000/- from the petitioner/accused and I have no other claims from the petitioner/accused. I have no objection in acquitting the petitioner/accused from the order of conviction."

7. In view of the above compromise entered into between the parties, the Criminal Miscellaneous Petition in CrI.MP.No.8252 of 2019 is allowed. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charges. Consequently, the orders passed by the Trial Court and the Sessions Court are set aside and the Criminal Revision Petition is disposed of, accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1. I Additional District and Sessions Judge,
I Additional District and Sessions Court,
Erode.

2. The Judicial Magistrate
Fast Track Court No.1, Erode.

3. The Chief Judicial Magistrate,
Erode.

+1cc to Mr.M.Guruprasad, Advocate Srl.53085
+1cc to Mr.S.Kaithamalai Kumaran, Advocate Sr.54332

CrI.R.C.No.313 of 2017

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