

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.RC.NO.1086 OF 2019

AND

CRL.MP.NO.15075 OF 2019

I.V.Narasimham

... Petitioner

Vs

Ch Prasad

... Respondent

Prayer:-

This criminal Revision has been filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 29.06.2018, made in C.A.No.37/2016 on the file of the II Additional District and Sessions Judge at Puducherry, confirming the order passed by the Judicial Magistrate Yanam, Puducherry in STC.No.3 of 2012 dated 08.11.2016 and acquit him from the charges.

For Petitioner : Mr.A.B.Ashok

For Respondent : Mr.S.Ravee Kumar

ORDER

1.This criminal revision petition has been filed against the judgment of conviction dated 29.06.2018, made in Crl.A.No.37/2016, by the II Additional District and Sessions Judge at Puducherry, dismissing the appeal confirming the judgement of conviction and sentence passed by the Judicial Magistrate, Yanam, Puducherry in STC.No.3/2012 dated 08.11.2016, that the petitioner/accused found guilty for the offence under Section 138 of Negotiable Instruments Act, convicted and sentenced him to undergo one year of rigorous imprisonment and to pay a sum of Rs.2,00,000/- which is twice the cheque amount as compensation, in default to undergo two months of simple imprisonment.

2.The learned counsel for the petitioner would submit that subsequent to the confirmation of the conviction in appeal, the parties have arrived at a compromise. Though the cheque amount was for Rs.1,00,000/-(Rupees One Lakh only), the petitioner had been directed to pay a compensation Rs.2,00,000/- which is

twice the cheque amount. However, the parties have arrived at a compromise, whereby the petitioner/accused has paid an amount of Rs.2,50,000/- as full and final settlement of case in STC.No.3 of 2012 on the file of Judicial Magistrate Court, Yanam, Puducherry and the respondent/complainant has also accepted the same and that pursuant to the compromise, the petition for compounding the case has been filed in CrI.MP.No.15075/2019.

3. In view of the compromise entered into by the parties, CrI.M.P.No.15075 of 2019 seeking to compound the offence stands allowed.
4. The learned counsel for the petitioner would submit that he was in judicial custody for a period of one month.
5. In view of the above, the Criminal Revision Case is allowed and the judgement of conviction and sentence passed by the Judicial Magistrate Yanam, Puducherry in STC.No.3 of 2012 dated 08.11.2016 and confirmed by the learned II Additional District and Sessions Judge at Puducherry in C.A.No.37/2016 dated 29.06.2018 are hereby set aside. The petitioner shall be set at liberty forthwith and the bail bond executed by him, shall stand cancelled.
6. The respondent/complainant shall pay a sum of Rs.10,000/- to the Taluk Legal Services Authority, Yanam within a period of one month from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The II Additional District and Sessions Judge at Puducherry.
2. The Judicial Magistrate Yanam, Puducherry.
3. The Member Secretary, Taluk Legal Services Authority, Yanam, Puducherry.

+1cc to Mr.A.B.Ashok, Advocate, S.R.No.88340

+1cc to Mr.S.Ravee Kumar, Advocate, S.R.No.88341

CrI.RC.No.1086/2019

and

CrI.MP.No.15075/2019

PA(CO)

CS/05/12/2019