

Crl.M.P.No.16646 of 2019
in
Crl.R.C.No.992 of 2013

P.N.PRAKASH.J.,

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

2. It is the case of the complainant that the accused had borrowed Rs.60,000/- and had issued a cheque for the said amount, which was dishonoured. Therefore, the complainant initiated a prosecution in C.C.No.500 of 2011 under Section 138 of the Negotiable Instruments Act, 1881 in which the Judicial Magistrate, Fast Track Court, Vellore by judgment and order dated 23.02.2012 convicted the accused and sentenced him to undergo 6 months rigorous imprisonment and fine of Rs.3000/-, in default to undergo two months simple imprisonment. The appeal in C.A.No.47 of 2012 that was filed by the accused was dismissed by the 1st Additional District and Sessions Judge, Vellore on 06.06.2013. Aggrieved by the concurrent findings, the accused filed Crl.R.C.No.992 of 2013, in which this Court, by order dated 22.10.2018, confirmed the conviction, but reduced the sentence from 6 months rigorous imprisonment to 3 months rigorous imprisonment and directed the accused to pay Rs.60,000/- as compensation to the complainant.

3. In such circumstances, the accused has filed the above petition for compounding under Section 147 of the Negotiable Instruments Act.

4. Today, B.Mahalakshmi (Accused) and Mr.L.Arun Prasad (complainant) are present before this Court and they are identified by their respective counsel.

5. In the compounding petition signed by both parties, it is stated as follows:

“5. The petitioner/appellant/accused and the respondent /respondent /complainant submits that thereafter the petitioner /appellant /accused and the respondent /respondent /complainant were made compromised each other, in view of the compromise, she had taken the Demand Draft for a sum of Rs.60,000/- drawn on Tamil Nadu Mercantile Bank Ltd., Ayapakkam Branch, Chennai bearing D.D.No.909445 dated 02.11.2019 in favour of the respondent/respondent/complainant and the same was received by the respondent/complainant on today i.e., 18.11.2019.”

6. The complainant, who is present today, received the Demand Draft for Rs.60,000/- and stated that he has no objection in the matter being compounded.

In view of the above, the offence stands compounded and consequently the accused stands acquitted. The order dated 22.10.2018 in CrI.R.C.No.992 of 2013 on the file of this Court, order dated 06.06.2013 in C.A.No.47 of 2012 on the file of the 1st Additional District and Sessions Judge, Vellore and the order dated 23.02.2012 in C.C.No.500 of 2011 on the file of the Judicial Magistrate (Fast Track Court), Vellore are hereby set aside. Fine, if any, shall be refunded to the accused. The accused shall pay a sum of Rs.3000/- as costs to the Madras High Court Retired Officials Association within two weeks from the date of receipt of a copy of this order.

18.11.2019

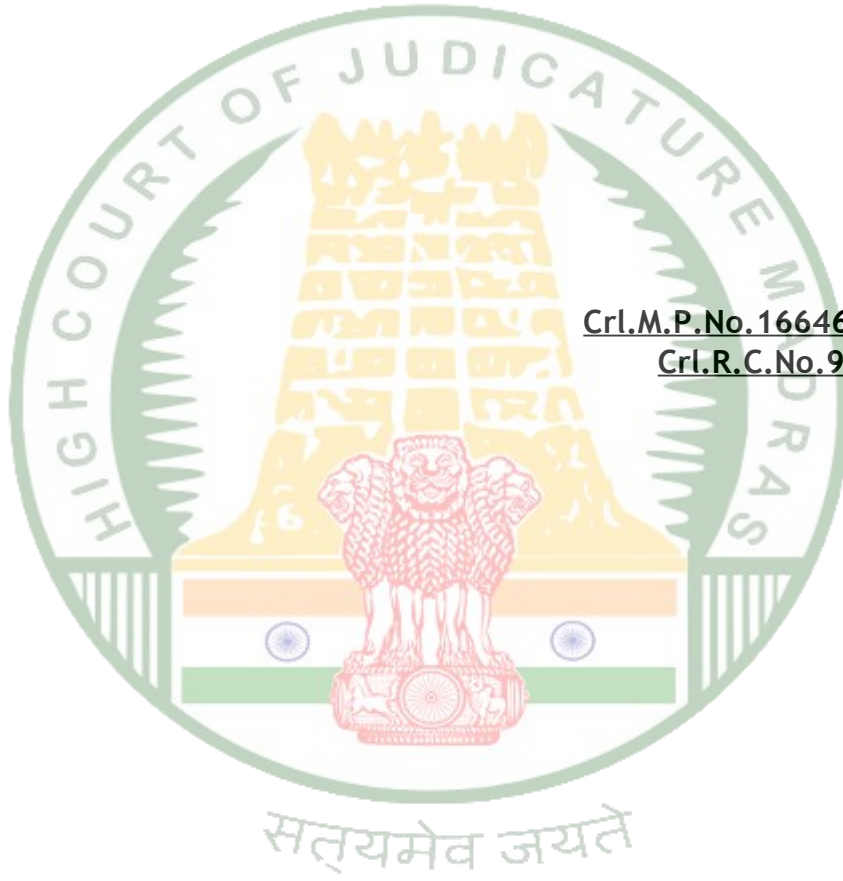
gpa

To

1. 1st Additional District and Sessions Judge
Vellore
2. Judicial Magistrate (Fast Track Court),
Vellore
3. The Madras High Court Retried Officials Association
5 Floor Building
(Basement)
New Addl. Law Chambers
High Court Buildings
Chennai - 104

P.N.PRAKASH.J.,

gpa



Crl.M.P.No.16646 of 2019 in
Crl.R.C.No.992 of 2013

WEB COPY

18.11.2019