

Crl.M.P.No.16916 of 2019
IN Crl.R.C.No.1055 of 2012

P.N.PRAKASH, J.

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

2.It is the case of the complainant that the accused owed Rs.2,75,000/- towards which, he gave a cheque for the said amount and the said cheque was dishonoured. Therefore, the complainant initiated a prosecution in S.T.C.No.2264 of 2006 under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act") against the accused, in which, the Judicial Magistrate No.II, Nagapattinam, by judgment and order dated 30.04.2009, convicted and sentenced the accused to undergo one year simple imprisonment and pay a fine of Rs.2,80,000/-, out of which, Rs.2,75,000/- was directed to be paid to the complainant as compensation, in default six months simple imprisonment. The appeal in C.A.No.26 of 2009 that was filed by the accused was dismissed by the Sessions Court, Nagapattinam on 20.10.2011. Challenging the concurrent findings, the accused has filed the revision petition in Crl.R.C.No.1055 of 2012 before this Court.

3.Today, when the matter was taken up for hearing, learned counsel for the accused and the complainant submitted that the parties have arrived at a compromise and sought for compounding of the offence under Section 147 of the NI Act. They have also filed a petition in CrI.M.P.No.16916 of 2019 in CrI.R.C.No.1055 of 2012 under Section 147 of the NI Act.

4.Today, the complainant and the accused are present before this Court and they are identified by their respective counsel. In the CrI.M.P.No.16916 of 2019 signed by both of them, it is stated as follows :

"4.The petitioner respectfully states that when the revision petition is taken up for hearing, the petitioner and the respondent had desired to settle the issue amicably. Accordingly the respondent has agreed and settled with Rs.1,20,000/- from and out of amount already deposited in Trial Court as full and final settlement, the respondent agreed for compounding the offence. The petitioner also had agreed for the same.

5.The petitioner respectfully submits that he has no objection for the respondent to withdraw the said sum of Rs.1,20,000/- already deposited in the trial Court. The petitioner respectfully submits that in view of the full and final settlement arrived between the petitioner and respondent for a sum of Rs.1,20,000/- which the petitioner had paid by way of deposit into court in the manner set forth above and that the petitioner has no objection for the respondent to withdraw said sum of Rs.1,20,000/-

deposited into court, the petitioner and the respondent does not have any claim as against each other. The petitioner states that in view of the full and final settlement arrived between the petitioner and the respondent and the same having been reported and recorded before this Hon'ble Court, the respondent herein had agreed to compound the offence by recording the settlement. Hence, this application is being filed seeking leave of this Hon'ble Court for compounding the offence."

5. In view of the above, the offence stands compounded under Section 147 of the NI Act and the orders passed by the lower appellate Court in CrI.A.No.26 of 2009 dated 20.10.2011 and the trial Court in S.T.C.No.2264 of 2006 dated 30.04.2009 are hereby set aside and the accused is acquitted. The complainant will be entitled to withdraw the sum of Rs.1,20,000/- with interest if any, that has been deposited by the accused in the trial Court. The trial Court is directed to disburse the amount to the complainant without insisting upon notice to the accused, of course, on proper identification of the complainant. The fine of Rs.5,000/- shall be refunded to the accused. The Registry is directed to return the original records to the Court concerned forthwith.

In the result, this CrI.M.P. stands ordered as prayed for.

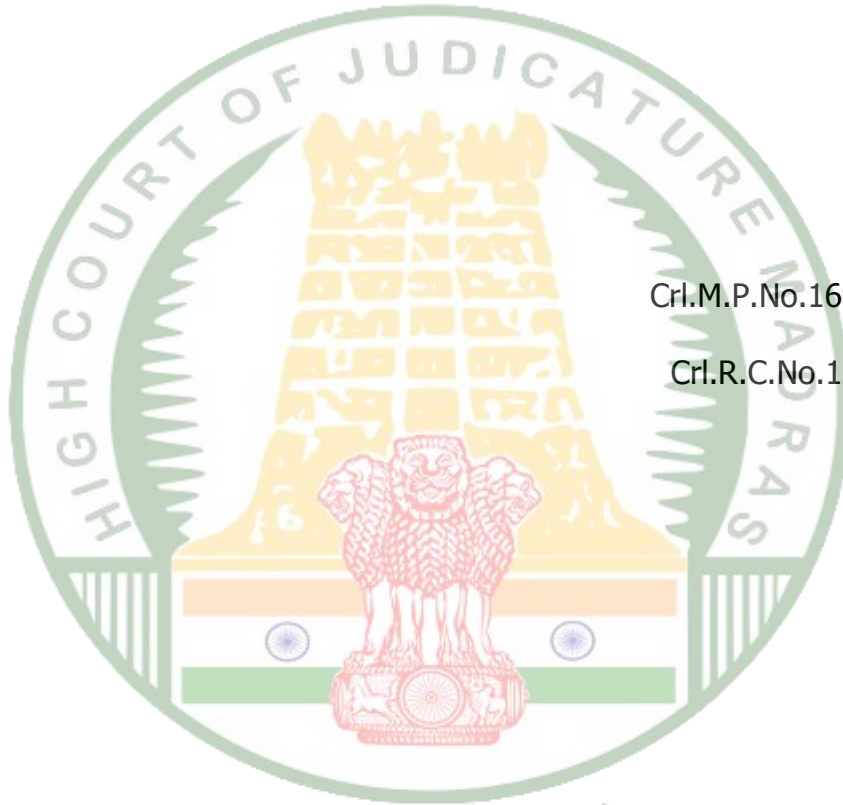
18.11.2019
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Note : Issue order copy by 19.11.2019.

P.N.PRAKASH, J.

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