



Bail Slip

The petitioner namely Dharmaraj, S/o Thankappan was directed to be released on bail as per order of this court dated 30.04.2010 made in M.P.No.1/2010 in CRL RC No.368/2010 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.11.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.R.C. (MD)No.368 of 2010

Dharmaraj ... Petitioner / Accused

Vs.

1.Manoharan ... 1st Respondent / Complainant

2.The State

Rep. by the Public Prosecutor,
Nagercoil.

...2nd Respondent

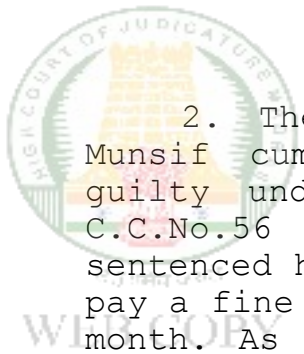
PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code against the judgment passed in C.A.No.64 of 2005, dated 15.04.2010, on the file of the learned Sessions Judge, Kanyakumari Division at Nagercoil, which was confirmed the judgment in C.C.No.56 of 2003 dated 31.01.2005 on the file fo the learned Principal District Munsif Cum Judicial Magistrate, Eraniel and set aside the conviction and sentence and acquit the petitioner.

For Petitioner : Mr.K.Vamanan

For Respondent : Mr.R.M.Arun Swaminathan
Legal Aid Counsel for R.1
Mr.K.K.Ramakrishnan
Additional Public Prosecutor
for R.2

ORDER

This revision case is filed as against the concurrent findings on a complaint instituted under Section 138 of the Negotiable



2. The trial Court, namely, the learned Principal District Munsif cum Judicial Magistrate, Eraniel, found this petitioner guilty under Section 138 of the Negotiable Instruments Act in C.C.No.56 of 2003 and by order dated 31.01.2005, convicted and sentenced him to undergo simple imprisonment for three months and to pay a fine of Rs.5000/-, i/d to undergo simple imprisonment for one month. As against the conviction and sentence, the petitioner has preferred an appeal before the Court of Sessions and the learned Sessions Judge, Kanyakumari Division at Nagercoil, by order dated 15.04.2010 in C.A.No.64 of 2005 confirmed the conviction and sentence imposed by the trial Court. Aggrieved over the same, the petitioner has preferred the instant revision case.

3. In support of this petition, the learned Counsel for the petitioner has raised very many grounds, which, in the opinion of this Court, is not acceptable. When this Court was about to confirm the conviction and sentence imposed by the trial Court, a request was made on behalf of the petitioner to work out the possibility of settling their dispute among themselves and therefore, the matter was adjourned.

4. Today, the petitioner is present before this Court and the learned Counsel for the petitioner submitted that an amicable settlement has been arrived upon and it is agreed that the petitioner shall pay a sum of Rs.63,000/-, as agreed before the Lok Adalat. To show his *bona fide*, the petitioner has also produced a Demand Draft, bearing No.504815, dated 25.11.2019, for a sum of Rs.10,000/-, in favour of the complainant.

5. The learned Counsel for the first respondent / complainant affirmed the said submission. The Demand Draft dated 25.11.2019, for a sum of Rs.10,000/-, is handed over to the learned Counsel for the respondent. In view of the subsequent development took place, the conviction passed by the Courts below stands confirmed, however, the sentence of imprisonment is modified to that of a compensation of Rs.63,000/-, payable by the petitioner to the first respondent. The petitioner shall pay the balance amount of Rs.53,000/-, within a period of three months, failing which, the sentence of imprisonment imposed by the trial Court would revive.

6. In fine, this criminal revision case stands disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Sessions Judge,
Kanyakumari Division at Nagercoil.
- 2.The Principal District Munsif cum Judicial Magistrate,
Eraniel.
- 3.The Public Prosecutor,
Nagercoil.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer, Criminal Section, (Records)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.VAMANAN, Advocate (SR-103055[F] 02/12/2019)

CrI.R.C. (MD) No.368 of 2010
28.11.2019

gk

SDS (20.12.2019) 3P 7C