

BAIL SLIP

The Revision Petitioner/Accused was directed to be released on Bail as per order of this Court Cr1 MP(MD)No.1 of 2014 in Cr1 RC (MD)No.341 of 2014 on the file of the Madurai Bench of Madras High Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.R.C. (MD)No.341 of 2014

J.Anandha Mercylin .. Petitioner/Appellant / Accused

Vs.

Ganesan .. Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in C.A.No.45 of 2012, dated 16.09.2013, on the file of the learned I Additional District Sessions Judge, Tirunelveli confirming the judgment in C.C.No.289 of 2010, dated 25.05.2012, on the file of the learned District Munsif cum Judicial Magistrate, Tirunelveli and duly set aside the judgment of the Courts below by acquitting the revision petitioner.

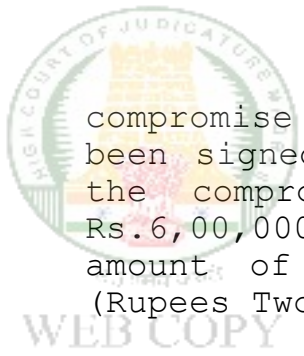
For Petitioner : Mr.M.Suresh

For Respondent : Mr.H.Arumugam

ORDER

This Criminal Revision petition has been filed by the accused in C.C.No.289 of 2010, before the learned District Munsif cum Judicial Magistrate, Tirunelveli. A private complaint came to be registered by the respondent for the offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 25.05.2012, sentenced the accused to undergo one year Simple Imprisonment and to pay a fine of Rs.5,000/- in default, to undergo three months Simple Imprisonment. Aggrieved against the same, the petitioner had filed an appeal in C.A.No.45 of 2012, before the learned I Additional District Sessions Judge, Tirunelveli. The learned Judge on 16.09.2013, dismissed the appeal, confirming the judgment of the trial Court. Against which, the present revision petition has been filed.

2. During the pendency of the petition, it appears that both the petitioner / accused and the respondent / complainant have entered into a compromise and accordingly, they have filed a joint



compromise memo dated 17.12.2019. The joint compromise memo has been signed by both parties and their respective counsel. As per the compromise, the petitioner has agreed to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) in lieu of twice the cheque amount of Rs.3,00,000/- in three installments at Rs.2,00,000/- (Rupees Two Lakhs only) each by way of Demand Draft.

3. Since the dispute is of the year 2010, the petitioner had paid a sum of Rs.6,00,000/- in three installments. The first installment of Rs.2,00,000/- (Rupees Two Lakhs only) was paid on 11.10.2019, by way of Demand Draft in D.D.No.100846. The second installment of Rs.2,00,000/- (Rupees Two Lakhs only) was paid on 13.11.2009, by way of Demand Draft in D.D.No.100874 and the third and final installment of Rs.2,00,000/- (Rupees Two Lakhs only) was paid on 12.12.2019, by way of Demand Draft in D.D.No.15470, of Central Bank of India, Samadhanapuram. Now, in the compromise memo, the parties made mention of the payment particulars and acceptance of the same. In view of the compromise and as per Section 147 of the Negotiable Instruments Act, the petitioner is permitted to compound the offence.

4. Accordingly, this Criminal Revision Petition stands allowed and the conviction and sentence dated 16.09.2013, made in C.A.No.45 of 2012, on the file the learned I Additional District Sessions Judge, Tirunelveli, confirming the judgment made in C.C.No.289 of 2010, dated 25.05.2012, on the file of the learned District Munsif cum Judicial Magistrate, Tirunelveli, are set aside and the petitioner is acquitted of the charge levelled against her. The fine amount, if any, paid by the petitioner, shall be refunded to her. The bail bond, if any, executed by her, shall stand cancelled. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

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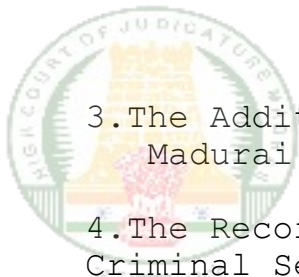
Sub Assistant Registrar(CS)

tsg

To

1.The I Additional District Sessions Judge, Tirunelveli.

2.The District Munsif cum Judicial Magistrate, Tirunelveli.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4.The Record Keeper,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-105599[F] dated 18/12/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-105680[F] dated 18/12/2019)

CrI.RC. (MD) No.341 of 2014
17.12.2019

KK/SAR/09.01.2020/3P-8C/