

BAIL SLIP

The petitioner/Accused Namely, L.S.Gurusamy, S/o. Seenivasa Naidu was directed to be released on bail as per order of this court dated 22.08.2019 in CRL MP(MD).7180/2019 in CRL RC.564 of 2019.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

Crl.R.C. (MD)No.564 of 2019

and

Crl.M.P(MD)No.7182 of 2019

L.S.Gurusamy : Petitioner

Vs.

S.T.Nagendran (Expired on 07.09.2013)

1.Selvamani

2.Susilkumar (Power Agent)

3.Susithra

4.Sindhu

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records and set aside the conviction and sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.46 of 2015 on 31.09.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.1, Virudhunagar in S.T.C.No.265 of 2006 on 16.11.2015.

For Petitioner : Mr.M.Jothibas

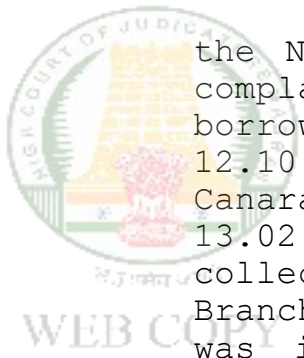
For Respondents : Mr.C.Jeyaprakash

O R D E R

This criminal revision case is filed to set aside the conviction and sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.46 of 2015 on 31.09.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.1, Virudhunagar in S.T.C.No.265 of 2006 on 16.11.2015.

2.When the matter is taken up for hearing today, both the learned counsel represented that the parties entered into compromise vide memo dated 29.08.2019. The terms of the compromise memo are extracted hereunder:-

"1.It is submitted that the Petitioner/Accused has been implicated in a case punishable under Section 138 of



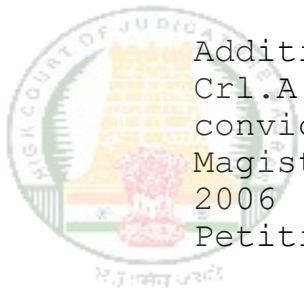
the Negotiable Instruments Act, 1881. The case of the complainant is that on 01.10.2002, the petitioner/Accused borrowed a sum of Rs.1,00,000/- as hand loan. On 12.10.2002 he issued a cheque⁶ bearing Number 088118 of Canara Bank, Sivakasi Branch. It is stated that on 13.02.2003 the complainant has presented the cheque for collection in his account in Canara Bank, Virudhunagar Branch and the same was returned "Fund Insufficient". It was intimated to the complainant on 15.02.2003. On 11.03.2003 complainant sent a legal notice. The Petitioner/Accused has sent any reply nor pays the cheque amount. Therefore, he filed a complaint under Section 200 Crl.P.C to punish the Petitioner/Accused under Section 138 of the Negotiable Instruments Act, 1881.

2.It is submitted that the Trial Court/Judicial Magistrate Court No.I, Virudhunagar took the case on file in S.T.C.No.265 of 2006. Pending the Trial, on 07.09.2013 the complainant expired. His legal heir's wife and two daughters were brought on record in this case. The legal heir's wife and two daughters have executed a power deed in favour of Susil Kumar to conduct the case on behalf of them. During the Trial the complainant examined two witnesses and marked 9 Ex.P's. The Accused examined himself as DW.1 and one document was marked.

3.It is submitted that on 16.11.2015 in S.T.C.No.265 of 2006 the Judicial Magistrate Court No.I, Virudhunagar convicted the Petitioner/Accused under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo "3" month S.I. and ordered to pay a sum of Rs.500/- as fine or failing which to undergo 1 month S.I. The petitioner/Accused has paid the fine amount. He preferred an Appeal in Crl.A.No.46 of 2015 before the Additional District and Sessions Court, Virudhunagar challenging the conviction and sentence imposed by the Trial Court. On 31.07.2017 the Appellate Court dismissed the Appeal.

4.It is submitted that the petitioner/Accused have preferred a Criminal Revision Petition in Crl.RC.No.564 of 2019 challenging the conviction and sentence passed by the Courts below. Pending Revision, the Petitioner/Accused and Respondents have agreed to settle the issue out of Court. On 22.08.2019 the Petitioner/Accused paid the entire cheque amount a sum of Rs.1,00,000/- to the 2nd respondent. The 2nd respondent received the cheque amount for him and as a power agent of other Respondents. The Respondents have no objection to record the compromise and compound the offence.

It is therefore prayed that this Hon'ble Court may be pleased to record the compromise reached between the parties and allow the Criminal Revision Petition by setting aside the conviction and sentence passed by the



Additional District and Sessions Court, Virudhunagar in Crl.A.No.46 of 2015 on 31.07.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, No.I, Virudhunagar in S.T.C.No.265 of 2006 on 16.11.2015 and allow the Criminal Revision Petition and thus render justice."

3. In view of the compromise and settlement between the parties, the criminal revision case is allowed and the judgment passed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.46 of 2015 on 31.09.2019 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.1, Virudhunagar in S.T.C.No.265 of 2006 on 16.11.2015 is set aside. The memo of compromise shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Skn

ENCL.: XEROX COPY OF COMPROMISE MEMO.

To

1. The Additional District and Sessions Court,
Virudhunagar.

2. The Judicial Magistrate Court No.1, Virudhunagar.

3. The Superintendent, Central Prison, Madurai.

4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.C.JEYAPRAKASH, Advocate Sr. No. 87654

ORDER MADE IN
Crl.R.C. (MD) No.564 of 2019
and Crl.M.P (MD) No.7182 of 2019
Dated:19.09.2019

KG (CO)

TR(14.10.2019) 3P 6C