



Bail Slip

The Appellant/Accused namely V.Chellapandian, S/o.Vanniyarajan was released on bail by this Hon'ble Court made in MP(MD).No.1/2015 in Crl.RC(MD).No.237/2015 dated 16.10.2015.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C.(MD)No.237 of 2015

and

M.P(MD)No.2 of 2015 and Crl.M.P(MD)No.8607 of 2019

V.Chellapandian : Petitioner/Appellant/Accused

Vs.

P.Selvaraj : Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records and set aside the Judgment dated 29.01.2015 passed in Crl.A.No.26 of 2014 on the file of the learned I Additional Sessions Judge, Thoothukudi, Thoothukudi District, confirming the conviction and sentence imposed upon the petitioner in C.C.No.541 of 2012 on the file of the learned Judicial Magistrate / Fast Track Court (Magistrate Level) Thoothukudi, Thoothukudi District dated 01.02.2014 and acquit the petitioner.

For Petitioner : Mr.A.Thiruvadikumar

For Respondent : Mr.P.Subbaraj

O R D E R

This Criminal Revision Case is filed to set aside the Judgment dated 29.01.2015 passed in Crl.A.No.26 of 2014 by the learned I Additional Sessions Judge, Thoothukudi, Thoothukudi District, confirming the conviction and sentence imposed upon the petitioner in C.C.No.541 of 2012 on the file of the learned Judicial Magistrate / Fast Track Court (Magistrate Level) Thoothukudi, Thoothukudi District dated 01.02.2014 and acquit the petitioner.

2.When the matter is taken up for hearing today, both the learned counsel represented that the parties entered into compromise vide memo dated 30.09.2019. The terms of the joint compromise memo

<https://hcservices.ecourts.gov.in/hcservices/>



are extracted hereunder:-

"It is submitted that the petitioner herein had faced trial in C.C.No.541 of 2012 on the file of the learned Judicial Magistrate/Fast Track Court (Magistrate Level), Thoothukudi, Thoothukudi District and by judgment dated 01.02.2014, the petitioner was found guilty u/s 138 of Negotiable Instrument Act and sentenced to undergo 1 year S.I., and to pay a fine of Rs.74,000/- the Cheque amount as compensation in default to undergo 1 month S.I. I submit that the said conviction and sentence was confirmed in Crl.A.No.26 of 2014 on the file of the learned I Additional Sessions Judge, Thoothukudi, Thoothukudi District by Judgment dated 29.01.2015. It is submitted that as against the concurrent, the petitioner had preferred the present Criminal Revision.

2.It is submitted that as against the said conviction and sentence the petitioner had preferred Crl.RC(MD) No.237 of 2015 before this Hon'ble Court. It is submitted that now the dispute between the petitioner and the respondent herein had been settled and the petitioner had paid the said cheque amount of Rs.74,000/- to the respondent herein by way of Demand Draft drawn on Bank of India vide No.142439 dated 26.09.2019 which the respondent herein agrees to receive.

3.It is submitted that the offence u/s 138 of Negotiable Instruments Act is a compoundable offence. It is submitted that the petitioner had settled the entire cheque amount and as such the respondent herein is also prepared to compound the offence with the petitioner. It is submitted that at present the dispute between the parties have been resolved and the dispute is mainly a money dispute, more particularly personal in nature, which is also compoundable. It is submitted that as the cheque amount of Rs.74,000/- is being paid by the petitioner herein, the respondent has got no objection to compromise the dispute and to compound the offence."

Therefore, both the learned counsels requested this Court that this Criminal Revision Case may be allowed on the above terms of compromise between the parties.

3.In view of the compromise and settlement between the parties, the criminal revision case is allowed and the Judgment dated 29.01.2015 passed in Crl.A.No.26 of 2014 on the file of the learned I Additional Sessions Judge, Thoothukudi, Thoothukudi District, confirming the conviction and sentence imposed upon the petitioner in C.C.No.541 of 2012 on the file of the learned Judicial Magistrate



/ Fast Track Court (Magistrate Level) Thoothukudi, Thoothukudi District dated 01.02.2014 is set aside. The memo of compromise shall form part of the order. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

skn

Encl:

Xerox copy of the Joint Compromise Memo

To

- 1.The Ist Additional Sessions Judge, Thoothukudi, Thoothukudi District.
 - 2.The Judicial Magistrate / Fast Track Court (Magistrate Level) Thoothukudi, Thoothukudi District.
 - 3.The Principal Sessions Judge, Thoothukudi District.
 - 4.The Chief Judicial Magistrate, Thoothukudi District.
- +1 CC to M/s.P. SUBBARAJ, Advocate (SR-91029[F] dated 03/10/2019)
- +1 CC to M/s.A. THIRUVADI KUMAR, Advocate (SR-91127[F] dated 03/10/2019)

ORDER MADE IN
CrI.R.C. (MD) No.237 of 2015
and
M.P (MD) No.2 of 2015 and
CrI.M.P (MD) No.8607 of 2019
Dated:- 03.10.2019

JMN(04.11.2019) 3P : 7C