

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.02.2020
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.308 of 2020
and
Crl.M.P.Nos.2302 and 2303 of 2020

K.Ravikrishnan .. Petitioner/ Accused
Vs

C.Kamalakaran .. Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the entire records in respect of the judgment rendered by the Learned Principal District and Sessions Judge, Vellore in C.A.No.121 of 2017 dated 14.03.2019 confirming the Judgment made in C.C.No.58 of 2016 dated 06.11.2017 on the file of the Judicial Magistrate, Fast Tract, Vellore and set aside the same.

For Petitioner :Mr.M.Rajendran
For Respondent :Mr.M.G.Ramachandiran

ORDER

The revision petitioner is an accused in C.C.No.58 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Vellore. By judgment dated 06.11.2017, he was found guilty under section 138 of Negotiable Instruments Act and convicted for the same and sentenced him to undergo Simple Imprisonment for a period of one year and to pay the cheque amount as compensation with 6% interest from the date of complaint to the complainant as per section 357 (3) Cr.P.C, in default to undergo simple imprisonment for a further period of three months. Aggrieved over the same, the petitioner preferred a Criminal Appeal in C.A.No.121/2017 before the learned Principal District and Sessions Judge, Vellore. By judgment dated 14.03.2019, the Appellate Court dismissed the appeal and thereby confirmed the conviction and sentence passed by the trial Court. Challenging the same, the petitioner is before this Court with this Criminal Revision.

2. Today, when the matter was called, the learned counsel for the petitioner submitted that the matter has been settled between the parties and a compromise petition dated 17.02.2020 signed by both the parties, has also been filed, wherein, at para 3, it is inter alia stated that the petitioner/accused has paid the entire amount of Rs.5,00,000/- to the respondent/complainant by way of Demand draft bearing

No.268277 dated 15.02.2020 drawn in favour of the respondent and the same was also accepted by the respondent/complainant as full and final settlement.

3. The learned counsel for the respondent affirms the above submission of the learned counsel for the petitioner.

4. Since both the parties have entered into compromise, this Court is of the view that no prejudice would be caused to any of the parties, if the said compromise petition is accepted by this Court. Accordingly, the offence under Section 138 of the Negotiable Instruments Act is compounded and the conviction and sentence imposed on the petitioner/accused by the trial Court and confirmed by the Appellate Court are set aside. The petitioner is acquitted from the charge levelled against him. The bail bond, if any executed by the petitioner shall stand cancelled and the fine amount, if any paid by the petitioner shall be refunded to him. The said Compromise Petition dated 17.02.2020 shall form part of this order.

5. Accordingly, this Criminal Revision Case stands allowed. Consequently, connected Miscellaneous Petitions are closed.

*Herein enclosed the xerox copy compromise Memo

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Vellore.

2. The Judicial Magistrate,
Fast Track Court, Vellore.

3. The Superintendent, Central prison, vellore

+1cc to Mr.M.G.Ramachandiran , Advocate SR.No. 15494

Cr1.R.C.No.308 of 2020

NRJK

A.SK(25/02/2020)