Bail Slip

The Petitioner/Accused namely S.Kannan, S/o.G.Sellu Pathar, aged 50 years was directed to released on bail in Crl.MP.No.1/2013 in Crl.RC.No.1219 of 2013 dated 04/10/2013 by this Hon'ble Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Crl. R.C. No.1219 of 2013
and Crl.M.P.No.2057 of 2020

S.Kannan ... Revision Petitioner/Accused

Vs.

1.G.Ramachandran
2.State represented by
Public Prosecutor,
Nagapattinam. ... Respondents

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records against the judgment, dated 23.08.2013, passed by the District and Sessions Judge, Thiruvarur, in C.A.No.52 of 2008, dated 23.08.2013 confirming the judgment of conviction and sentence, dated 15.11.2006, passed by the Judicial Magistrate No.I, Mannargudi, in C.C.No.30 of 2006.

For Petitioner : M/s.S.Kingston Jerold
For R1 : Mr.Swami Subramanian
For R2 : Mrs.Kritika Kamal. P.
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Case has been filed against the judgment, dated 23.08.2013, passed by the District and Sessions Judge, Thiruvarur, in C.A.No.52 of 2008, confirming the judgment of conviction and sentence, dated 15.11.2006, passed by the Judicial Magistrate No.I, Mannargudi, in C.C.No.30 of 2006.

2.For the sake of convenience, the petitioner and the 1st respondent will be referred to as accused and complainant, respectively.

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3.It is the case of the complainant that the accused had borrowed Rs.3,00,000/- as hand loan and had issued a cheque dated 30.11.2005 for the said amount, which when presented by the complainant, was dishonoured on the ground "funds insufficient". The complainant issued a statutory demand notice and thereafter, initiated a prosecution in C.C.No.30 of 2006, for the offence under Section 138 of the Negotiable Instruments Act ("N.I. Act" for brevity), before the Court of Judicial Magistrate No.I, Mannargudi, against the accused, in which, the trial Court, by judgment and order dated 15.11.2006, convicted the accused of the offence under Section 138 of the N.I. Act and sentenced him to simple imprisonment for one year and pay Rs.3,00,000/- as compensation to the complainant, in default, to undergo simple imprisonment for four months.

4.The appeal in C.A.No.52 of 2008 that was filed by the accused was dismissed by the District and Sessions Judge, Thiruvarur, on 23.08.2013.

5.Aggrieved by the concurrent findings of the two Courts below, the accused has filed the present Criminal Revision Case, before this Court, under Section 397 r/w. 401 Cr.P.C.

6.Today, the complainant and the accused are present before this Court with their respective counsel.

7.When the matter was taken up for hearing, learned counsel for both sides submitted that the parties have amicably settled the issue and prayed for compounding the offence under Section 147 of the N.I. Act. They have also filed a petition in Crl.M.P.No.2057 of 2020, wherein, in Para No.2, they have stated as follows :

> "2.The petitioner submits that against the order of Learned District and Sessions Court, the Appellant preferred this above said Criminal Revision before this Hon'ble Court and the same is pending. During the pendency of the above said proceedings on the Intervention of the elders of the family and well wishers both the complainant and the accused agreed to settle the dispute amicably. Accordingly the accused returned entire cheque amount to the complainant by cash and the complainant also received the same towards full and final settlement of his claim against the accused towards the liability under the cheque subject mater of this case."

8.In view of the above, the petition in Crl.M.P.No.2057 of 2020 is allowed and the offence under Section 138 of the N.I. Act stands compounded under Section 147 ibid.

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9.Consequently, this Criminal Revision Case is allowed and the judgments of the two Courts below are set aside and the accused is acquitted of the charge framed against him.

If any amount has been deposited by the accused either in the appellate Court or in the trial Court in connection with this case, the same shall be refunded to him. Bail bond, if any executed by the accused, shall stand discharged.

Sd/-
Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1.The District and Sessions Judge, Thiruvarur.
2.The Judicial Magistrate No.I, Mannargudi.
3.The Public Prosecutor,
High Court, Madras.

4.The Deputy Registrar (Criminal Section), High Court, Madras. | with a direction to send back the original records, forthwith, to the respective Courts below

AKM/18.03.2020/3P-5C /

Crl. R.C. No.1219 of 2013

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