

Bail Slip

The Petitioner/Accused namely P. Narayanan, Prop. Bombay Engineering Works to be released on bail as per order dated 28.11.2013 made in M.P. 1/2013 in Crl.R.C. 1457/2013 on the file of this Hon'ble Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl. R.C. No.1457 of 2013
and
Crl.M.P.No.725 of 2020

P.Narayanan ... Revision Petitioner/Accused
Vs.

C.Dhayalan ... Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., against the judgment, dated 20.11.2012, passed by the I Additional Sessions Judge, Erode, in C.A.No.133 of 2012, confirming the judgment of conviction and sentence, dated 28.06.2012, passed by the Judicial Magistrate, Fast Track Court No.I (Magisterial Level), Erode, in S.T.C.No.231 of 2012.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.I.C.Vasudevan

सत्यमेव जयते
O R D E R

This Criminal Revision Case has been filed against the judgment, dated 20.11.2012, passed by the I Additional Sessions Judge, Erode, in C.A.No.133 of 2012, confirming the judgment of conviction and sentence, dated 28.06.2012, passed by the Judicial Magistrate, Fast Track Court No.I (Magisterial Level), Erode, in S.T.C.No.231 of 2012.

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

3.It is the case of the complainant that the accused borrowed Rs.1,25,000/- on 23.12.2006 and gave a cheque for the said amount on 23.01.2007, which, when presented by the complainant, was dishonoured on the ground "funds insufficient". After issuing a statutory demand notice, the complainant initiated a prosecution, in S.T.C.No.231 of 2012, before the Judicial Magistrate, Fast Track Court No.I at Magisterial Level, Erode, for the offence under Section 138 of the Negotiable Instruments Act, against the accused, in which, by judgment and order dated 28.06.2012, the accused was convicted and sentenced to simple imprisonment for six months and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for thirty days.

4.The appeal in C.A.No.133 of 2012 that was filed by the accused was dismissed by the I Additional Sessions Judge, Erode, on 20.11.2012.

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.Heard learned counsel for the accused, and learned counsel for the complainant, who submitted that the matter was amicably settled as early as on 18.08.2015, in support of which, they submitted a copy of receipt dated 18.08.2015 signed by the complainant. They have also filed a petition in CrI.M.P.No.725 of 2020, under Section 147 of the Negotiable Instruments Act, duly signed by the parties and their respective counsel. As per the terms of the settlement, the complainant has received a sum of Rs.1,30,000/- from the accused on 18.08.2015.

7.In view of the above, the petition in CrI.M.P.No.725 of 2020 is allowed and the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 ibid. The accused is acquitted of the charge framed against him.

8.Consequently, this Criminal Revision Case is allowed and the judgments of the two Courts below are set aside.

Fine amount, if any paid by the accused, shall be refunded to him. Bail bond, if any, executed by the accused, shall stand discharged.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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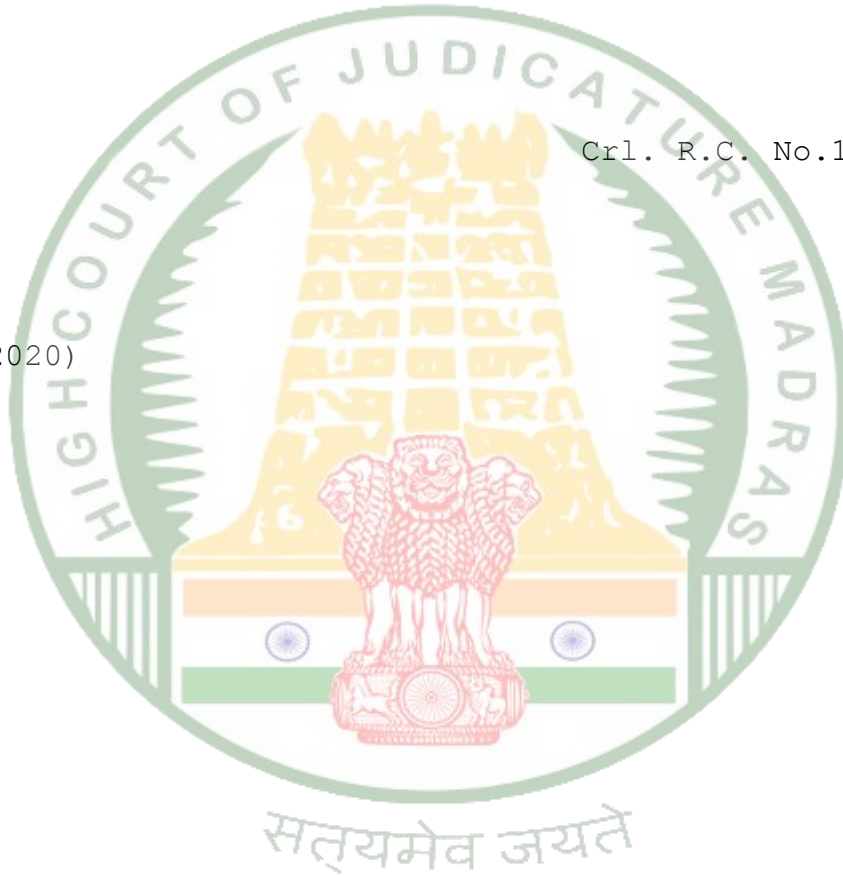
1.The I Additional Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court No.I at Magisterial Level,
Erode.

+1 CC to Mr.M.Guruprasad, Advocate sr 3706.

Crl. R.C. No.1457 of 2013

NMI (CO)
SP (24/02/2020)



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