

Bail Slip

The Appellant/Accused, namely M.Ravi S/o.Manikam in Crl.R.C.Nos.745 & 747 of 2013 was directed to be released on bail as per order dated 21.06.2013 and made in MP.NO.1/13 IN Crl.R.C.Nos.745 & 747 of 2013 on the file of this Hon'ble court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.Nos.745 & 747 of 2013

M.Ravi ...Petitioner/Appellant/Accused
in both revisions

Vs.

V.D.Dharmalingam ... Respondent/Respondent/
Complainant
in both revisions

Criminal Revisions filed under Section 397 r/w 401 Cr.P.C., to set aside the judgments and orders dated 13.09.2011 passed in C.C.Nos.61 & 60 of 2009 on the file of the Judicial Magistrate Court No.IV, Vellore, confirmed by the judgments and orders dated 22.03.2013 in C.A.Nos.199 & 200 of 2011 on the file of the I Additional District Court, Vellore.

For Petitioner
in both revisions : Mr.D.Rajagopal

For Respondent
in both revisions : Mr.P.Chandrasekar

COMMON ORDER

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These criminal revisions have been filed seeking to set aside the judgments and orders dated 13.09.2011 passed in C.C.Nos.61 & 60 of 2009 on the file of the Judicial Magistrate Court No.IV, Vellore, confirmed by the judgments and orders dated 22.03.2013 in C.A.Nos.199 & 200 of 2011 on the file of the I Additional District Court, Vellore.

2. V.D.Dharmalingam, S/o.Devaraj, the respondent/complainant herein, is present. On account of illness, M.Ravi, S/o.Manickam, the petitioner/accused herein, is not present, but, he is represented by his counsel Mr.D.Rajagopal, who has signed the common joint memorandum of compromise.

3. Since the common joint memorandum of compromise dated 21.01.2020 contains the necessary averments, this Court is extracting the same verbatim, which reads as under:

"1. The petitioner and the respondent begs to submit that the respondent herein filed two private complaints as against the petitioner under Section 138 of the NI Act before the learned Judicial Magistrate, Vellore, in C.C.No.61 of 2009 for cheque amount of Rs.2,80,000/- and C.C.No.60 of 2009 for cheque amount of Rs.2,80,000/- respectively.

2. The petitioner and the respondent begs to submit that, on 13.09.2011 the learned Judicial magistrate, Vellore, was pleased to pass an order by convicting the petitioner to undergo sentence of six months simple imprisonment and pay compensation of Rs.2,90,000/- in each case.

3. The petitioner and the respondent begs to submit that, aggrieved against the same, the petitioner preferred an appeal before the learned I Additional District and Sessions Judge in C.A.No.199 of 2011 and C.A.No.200 of 2011. On 22.03.2013, the learned I Additional District and Sessions Judge was pleased to dismiss the appeal and confirmed the trial Court order.

4. The petitioner and the respondent begs to submit that, aggrieved against the same, the petitioner preferred criminal revisions before this Court in Crl.R.C.No.745 of 2013 and Crl.R.C.No.747 of 2013 along with suspension of sentence. This Court was pleased to allow the suspension of sentence on condition that the petitioner shall deposit 50% of the compensation amount awarded by the trial Court. As the order the petitioner deposited Rs.2,90,000 (Rs.1,45,000 in each case) before the trial Court through two DD bearing nos.403044 and 403043 drawn at Indian Bank, Vellore Branch, for amount of Rs.1,45,000/- each. The receipt of the deposit is filed before this Court.

5. The petitioner and the respondent begs to submit that, now both of them have arrived at a compromise and decided to settle the matter amicably by entering into a memorandum of compromise with the following terms and conditions:

(i) The petitioner and the respondent herein give consent to compound the matter in respect of CC.No.61 of 2009 for cheque amount of Rs.2,80,000/- and C.C.No.60 of 2009 for cheque amount of Rs.2,80,000/-.

(ii) The respondent will withdraw the deposited amount of Rs.2,90,000/- from the learned Judicial Magistrate No.IV, Vellore and the petitioner has no objection for the same.

(iii) The respondent will withdraw all the civil suits pending on the file of the Subordinate Court, Vellore, in respect of the cheque bearing nos.998115 and 998116 within four weeks from the date of this order.

Therefore, it is prayed that this Court may be pleased to accept this common memorandum of compromise in CrI.R.C.Nos.745 & 747 of 2013 and pass appropriate orders and thus render justice."

4. In view of the above, the offence stands compounded under Section 147 of the NI Act. The trial Court is directed to disburse the sum of Rs.2,90,000/- (Rs.1,45,000/- + Rs.1,45,000/-) that has been deposited by the accused with accrued interest, if any, to the complainant, without notice to the accused, but, on proper identification by the counsel along with proof of identity.

In the result, these criminal revisions are allowed by setting aside the judgments and orders dated 13.09.2011 passed in C.C.Nos.61 & 60 of 2009 on the file of the Judicial Magistrate Court No.IV, Vellore, confirmed by the judgments and orders dated 22.03.2013 in C.A.Nos.199 & 200 of 2011 on the file of the I Additional District Court, Vellore. As a sequel, the petitioner is acquitted of the offence under Section 138 of the NI Act.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd
To

1. The Judicial Magistrate No.IV,Vellore.
2. The I Additional District
and Sessions Judge, Vellore.

3. The Deputy Registrar,
(CrI.Side)
Madras High Court,
Chennai - 104.

} with a direction to return the
original records to the Courts
below concerned

4.Do thro the Chief Judicial Magistrate, vellore

+1cc to Mr.D.Rajagopal , Advocate SR.No. 3840

+2ccs to Mr.P.Chandrasekar , Advocate SR.No. 4247,4248

CrI.R.C.Nos.745 & 747 of 2013

A.SK(24/02/2020)



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