

Bail Slip

The Petitioner/Accused, namely M.Chandran S/o.Murugan is directed to be released on bail as per order dated 08.07.2013 in MP.NO.1/13 IN Crl. R.C. No.848 of 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.848 of 2013

M.Chandran ... Revision Petitioner

Vs.

K.Ponnusamy ... Respondent

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., against the judgment, dated 26.03.2012, passed by the Additional Sessions Judge, Fast Track Court No.2, Gobichettipalayam, in C.A.No.119 of 2011, confirming the judgment of conviction and sentence, dated 28.09.2011, passed by the Judicial Magistrate No.1, Gobichettipalayam, in C.C.No.111 of 2009.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.I.C.Vasudevan

सत्यमेव जयते
O R D E R

This Criminal Revision Case has been filed against the judgment, dated 26.03.2012, passed by the Additional Sessions Judge, Fast Track Court No.2, Gobichettipalayam, in C.A.No.119 of 2011, confirming the judgment of conviction and sentence, dated 28.09.2011, passed by the Judicial Magistrate No.1, Gobichettipalayam, in C.C.No.111 of 2009.

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.50,000/- and gave a cheque dated 13.02.2009 for the said sum, 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 C.C.No.111 of 2009, before the Judicial Magistrate No.1, Gobichettipalayam, for the offence under Section 138 of the Negotiable Instruments Act, against the accused, in which, by judgment and order dated 28.09.2011, the accused was convicted of the offence under Section 138 of the Negotiable Instruments Act and was sentenced to simple imprisonment for six months.

4.The appeal in C.A.No.119 of 2011 that was filed by the accused was dismissed by the Additional Sessions Judge, Fast Track Court No.2, Gobichettipalayam, on 26.03.2012.

5.Challenging the concurrent findings of the two Courts below, the accused has preferred the present Criminal Revision Case.

6.When the matter was taken up for hearing, learned counsel for both sides submitted that the parties have arrived at a compromise and they have filed a memo of compromise, which reads as follows :

"The revision case arises out of dishonor of a cheque dated 13.02.2009 bearing No.001613 drawn on Central Bank of India, Gobichettipalayam Branch issued by the petitioner in favour of the respondent herein. At the intervention and advice of the respective counsels in the above Criminal Revision Case, the petitioner and the respondent have amicably settled the issue among themselves and the petitioner on this day has handed over Demand Drafts No.992859 & 992860 for Rs.50,000/- (Rupees Fifty thousand only) drawn in favour of the respondent and the same has been received by the learned counsel for the respondent on behalf of the respondent and thus the offence punishable under Section 138 of Negotiable Instruments Act is compounded.

The petitioner has further agreed to withdraw the amount of Rs.20,000/- (Rupees twenty thousand only) already deposited by him before the Judicial Magistrate No.2, Gobichettipalayam by filing necessary application.

It is therefore prayed that this Honourable Court may be pleased to record this memo and permit the parties to compound the offence and set aside the order of conviction and sentence dated 26.03.2012 on the file of Additional Sessions Judge & Fast Track Court No.2, Gobichettipalayam confirming the judgment and sentence passed by the learned Judicial Magistrate No.1, Gobichettipalayam and pass suitable orders and thus render justice."

7.Learned counsel for the complainant also acknowledged the receipt of the aforesaid Demand Drafts.

8. In view of the above, the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charge framed against him.

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

Any amount deposited by the accused in the trial Court shall be disbursed to him. Bail bond, if any executed by him, shall stand discharged.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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Copy to :

1. The Judicial Magistrate No.1,
Gobichettipalayam.
2. Do thro the Chief Judicial Magistrate, Erode
3. The Additional Sessions Judge,
Fast Track Court No.2,
Gobichettipalayam.

Copy to:

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

+1cc to Mr.A.V.Arun , Advocate SR.No. 3691

CrI. R.C. No.848 of 2013

A.SK(21/02/2020)