

BAIL SLIP

The accused viz., E.S.Vasudevan, s/o. D. Subramani, was released on bail on 14/11/2016 made in CRL MP.No 12054 of 2016 in CRL RC.1359/2016 on the file of the Hon'ble High Court of Madras.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1359 of 2016

E.S.Vasudevan ... Petitioner

Vs.

1.Nallasivan

2.State by Public Prosecutor
Erode District.

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the judgment passed in C.A.No.34 of 2016 dated 05.10.2016 on the file of the I Additional District and Sessions Judge, Erode, confirming the judgment passed in C.C.No.328 of 2012 dated 03.02.2016 on the file of the Judicial Magistrate, Fast Track Court I, Erode and that the petitioner / accused be acquitted.

For Petitioner : Mr.M.Vivekanandan

For Respondents : Mr.S.Kaithamalai Kumaran for R1

Mr.K.Prabakar,
Additional Public Prosecutor for R2

O R D E R

By judgment dated 03.02.2016 passed by the Judicial Magistrate, Fast Track Court I, Erode in S.T.C.No.328 of 2012, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo

simple imprisonment for a period of six months and to pay a fine of Rs.5,000/-, in default to undergo 15 days simple imprisonment. Challenging the said conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.34 of 2016 before the learned I Additional District and Sessions Judge, Erode, in which, the order passed by the Trial Court was confirmed. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case.

2. When this revision was taken up, the learned counsel for the petitioner has submitted that the matter stood compromised between the parties. The learned counsel further submitted that the petitioner has paid a sum of Rs.1,00,000/- by way of a Demand Draft to the first respondent towards full and final settlement and the first respondent has also accepted the same. He also filed a joint memo of compromise dated 27.02.2020, entered into between the parties, duly signed by both parties and their counsel.

3. The learned counsel for the first respondent affirmed the above submission of the learned counsel for the petitioner and submitted that the first respondent has no objection in acquitting the Revision Petitioner herein.

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 joint compromise memo 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 fine amount, if any, paid by the petitioner shall be refunded back to him and the bail bonds, if any, executed by the petitioner shall stand cancelled. The said Joint Memo of Compromise shall form part of the records.

5. The Criminal Revision Case is disposed of accordingly.

* Enclosed xerox copy of the Memo of Compromise.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The I Additional District and Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court I,
Erode.

3.The Public Prosecutor,
Madras High Court.

4.The Chief Judicial Magistrate,
Erode

+1 cc to M/s. M.Vivekanandan, Advocate, S.R.No.17421

+1 cc to M/s.S.Kaithamalai Kumaran, Advocate, S.R.No.17623

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CP(CO)
RN(21/05/2020)



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