

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.753 of 2016

and Crl.M.P.No.5711 of 2016

B.Shobana

... Petitioner

Vs.

K.Premavathi

... Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order passed by the Principal District and Sessions Judge at Thiruvallur on 02.02.2016 in C.A.No.22 of 2015 confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Ambattur in S.T.C.No. 171/2014 on 23.02.2015.

For Petitioner : Mr.P.Anandan

For Respondent : Mr.I.Jesu

O R D E R

By judgment dated 23.02.2015 passed by the learned Judicial Magistrate, Fast Track Court, Ambattur in S.T.C.No.171/2014, 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 sum of Rs.10,00,000/- being the cheque amount, to the complainant, as compensation. Challenging the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.22 of 2015 before the learned Principal District Judge at Thiruvallur, 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 agreed to pay a sum of Rs.2,75,000/- to the respondent towards full and final settlement and the respondent has also accepted the same. He also filed a joint memo of compromise entered into between the parties on 27.02.2020, duly signed by both parties and their counsel.

3.The learned counsel for the respondent affirmed the above submission of the learned counsel for the petitioner and submitted that the 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 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Principal District and Sessions Judge,
Thiruvallur.

2.The Judicial Magistrate,
Fast Track Court, Ambattur.

3.The Public Prosecutor, Madras High Court.

Cr1.R.C.No.753 of 2016

and

Cr1.M.P.No.5711 of 2016

BS (CO)

smn (28/05/2020)