

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.02.2020
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.604 of 2018
and Crl.MP.No.7000 of 2018

A.Ganapathy Subramaniam .. Petitioner

Vs

K.S.Shanmugasundaram .. Respondent

* * *

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the judgment dated 23.04.2018 passed in Crl.A.No.301 of 2017 on the file of the II Additional Sessions Judge, Erode reversing the judgment dated 26.10.2017 passed in STC.No.151 of 2016 on the file of the Judicial Magistrate, FTC-1, Erode.

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For Petitioner : Mr.V.Regunathan

For Respondent : Mr.M.Guruprasad

ORDER

By judgement dated 26.10.2017 passed by the learned Judicial Magistrate, Fast Track Court No.1, Erode, in S.T.C.No.151 of 2016, the petitioner was acquitted from the offence under Section 138 of the Negotiable Instruments Act and on appeal by the respondent in Crl.A.No.301 of 2017 before the learned II Additional Sessions Judge, Erode, vide judgment dated 23.04.2018, the Appellate Court reversed the said judgment of the trial Court and convicted the appellant/the petitioner herein for the offence under Section 138 r/w 142 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of a sum or Rs.4,00,000/-, failing which, to undergo one months simple imprisonment. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case.

2. Today, when the matter was taken up for consideration, the learned counsel appearing for both sides have submitted that the matter has been settled between the parties and they have also filed a compromise memo along with an compounding affidavit filed by the respondent/complainant.

3. A perusal of the compromise memo and the compounding affidavit makes it crystal clear that the dispute between the parties has been settled and the complainant sought to record the compounding affidavit.

4. In view of the above, this criminal revision stands allowed by setting aside the judgment of conviction and sentence passed by the appellate court and the offence alleged against the petitioner is compounded. The petitioner is acquitted from the charge levelled against him. The bail bond, if any executed by the petitioner shall stand cancelled and the fine amount, if any paid by the petitioner shall be refunded to him. The compromise memo dated 07.01.2020 entered into between the parties and the compounding affidavit filed by the respondent/complainant dated 18.02.2020, shall form part of this order. Consequently, connected Miscellaneous petition is closed.

5. At this stage, learned counsel for the parties pray for return of the original exhibits marked before the Trial Court within a time frame fixed by this Court. In view of the said submission, the original exhibits shall be returned to the respective parties forthwith, in accordance with law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court No.1,
Erode.

+1cc to Mr.V.Regunathan , Advocate SR.No. 13259

+1cc to Mr.M.Guruprasad , Advocate SR.No. 14121

CrI.R.C.No.604 of 2018

A.SK(19/02/2020)