

Bail Slip

The Appellant/Petitioner/Accused namely Ms. Santhosh Bai, W/o.M. Dilip Kumar was directed to be released on bail as per order of this Hon'ble Court dated 14.02.2020 made in CrI.M.P. No. 1402/2020 in CrI.R.C.No.1027 of 2013 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1027 of 2013

Ms.Santhosh Bai ... Petitioner/Appellant/Accused

Vs

D.Kumar ...Respondent/Respondent/Complainant

Criminal Revision preferred under Section 397 and 401 Cr.P.C. to set aside the judgment and order dated 12.07.2013 passed by the VII Additional Judge, City Civil Court, Chennai in C.A.No.13 of 2011 confirming the judgment and order dated 14.12.2010 passed by the II Metropolitan Magistrate, Chennai in C.C.No.9023 of 2007.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.T.Shanmuga Boopathy

O R D E R

For the sake of convenience, the petitioner and the respondent will be referred to as accused and complainant respectively.

2.It is the case of the complainant that, the accused had borrowed Rs.3,00,000/- in August 2003, towards which, she gave a cheque for Rs.3,21,000/- dated 06.12.2004; the said cheque was dishonoured on the ground "funds insufficient" on 08.12.2004; after issuing a statutory demand notice, the complainant initiated a prosecution in C.C.No.9023 of 2007 in the Court of the II Metropolitan Magistrate, Chennai under Section 138 of the Negotiable Instruments Act, 1881, against the accused, in which, the trial Court by judgment and order dated 14.12.2010, convicted the accused and sentenced to undergo one year simple

imprisonment and pay fine of Rs.5,000/-, in default, to undergo simple imprisonment for two months. The appeal in C.A.No.13 of 2011 that was filed by the accused was dismissed by the VII Additional District and Sessions Court, City Civil Court, Chennai on 12.07.2013. Aggrieved by the concurrent findings of the two Courts below, the accused has filed the present revision petition under Section 397 read with 401 Cr.P.C.

4.Learned counsel for the parties submitted that the parties have settled the matter.

5.Today, the complainant and the accused are present before this Court with their respective counsel. They have filed a joint compromise memo dated 21.02.2020, wherein, in paragraph Nos.4 and 5, it is stated as follows :

"4.The petitioner state that the petitioner has entrusted legal counsel, petition filed for restore of criminal revision and also to enlarge petitioner on bail. The respondent appears before this Hon'ble Court in party in person, agree to comprises with the petitioner by receiving sum of Rs.2,29,000/- (Rupees two lakhs twenty nine thousand only) and also agree to receive Rs.81,000/- deposited before trial Court herein, being full and final settlement towards the dishonour cheque amount and also not to press the criminal revision petition.

5.The petitioner and respondent do hereby state that they have compromised in above criminal revision petition, therefore seek indulgence of this Hon'ble Court to pass appropriate order in pursue to joint compromise memo filed by petitioner and respondent herein."

(extracted verabtim)

In view of the above, this criminal revision is allowed and the orders passed by the two courts below are set aside and the accused is acquitted of the charge under Section 138 of the NI Act. The complainant will be entitled to withdraw the sum of Rs.81,000/- that has been deposited by the accused in the trial Court without notice to the accused, but, on proper identification.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.VIIAdditional District and Sessions Court
(City Civil Court) Chennai

2.II Metropolitan Magistrate Court
Chennai

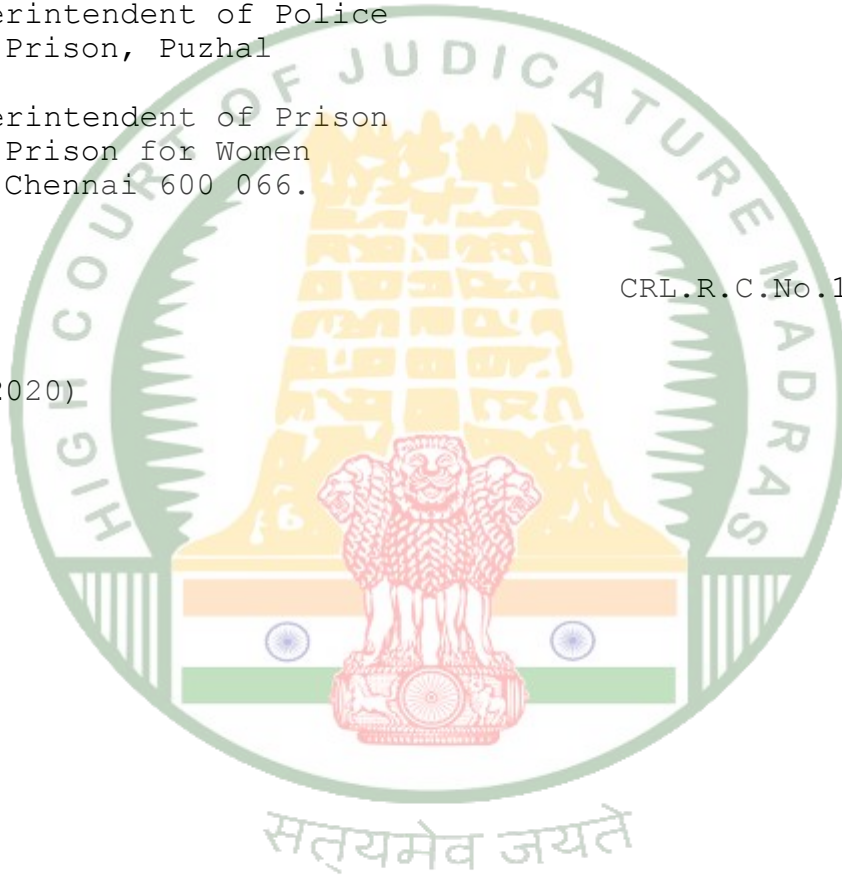
3.The Chief Metropolitan Magistrate
Egmore, Chennai

4.The Superintendent of Police
Central Prison, Puzhal

5.The Superintendent of Prison
Special Prison for Women
Puzhal, Chennai 600 066.

CRL.R.C.No.1027 of 2013

SR(CO)
SP(20/07/2020)



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