

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.757 of 2020

P.Raj .. Petitioner/Respondent/Accused

Vs.

R.Prakash ..Respondent/Appellant/
Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 13.03.2020 passed in C.A.No.228 of 2019 on the file of the IV Additional District and Sessions Court, Bavani and to restore the judgment and order of acquittal dated 23.07.2019 passed in S.T.C.No.213 of 2018 on the file of the Judicial Magistrate Court No.II, Bavani, on the ground of compromise dated 17.07.2020.

For Petitioner : Mr.J.Franklin

O R D E R

This case is taken up through video conferencing.

2. This criminal revision has been filed seeking to set aside the judgment and order dated 13.03.2020 passed in C.A.No.228 of 2019 on the file of the IV Additional District and Sessions Court, Bavani and to restore the judgment and order of acquittal dated 23.07.2019 passed in S.T.C.No.213 of 2018 on the file of the Judicial Magistrate Court No.II, Bavani, on the ground of compromise dated 17.07.2020.

3. For the sake of convenience, the parties will be referred to by their names.

4. Prakash initiated a prosecution under Section S.T.C.No.213 of 2018 under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act"), in which, the

Judicial Magistrate No.II, Bavani, by judgment and order dated 23.07.2019, acquitted Raj.

5. However, on appeal in C.A.No.228 of 2019 filed by Prakash, the IV Additional District and Sessions Judge, Bavani, by judgment and order dated 13.03.2020, reversed the order of acquittal and convicted Raj of the offence under Section 138 of NI Act and sentenced him to undergo one year simple imprisonment and to pay a sum of Rs.1,50,000/- as compensation to Prakash (complainant).

6. Challenging the order of the appellate Court, Raj has preferred the present criminal revision petition.

7. Heard Mr.J.Franklin, learned counsel for Raj and Mr.Mohammed Abusaliya, Advocate, learned counsel appeared for Raj in the trial Court, in whose office both Raj and Prakash are present for this video conference.

8. The learned counsel submitted that the matter has been amicably settled.

9. Prakash has filed an affidavit dated 10.09.2020, wherein, in paragraph nos.3 and 4, he has stated as follows:

"3. I state that both of us are friends and the petitioner was working in State Transport Corporation and recently retired from service, since he was convicted by the appellate Court, the benefits of petitioner is withheld. Being a friend we negotiated and compromised. In view of the compromise, I received Rs.1,50,000/- 17.07.2020 from the petitioner, for which I executed a receipt and also I executed a NOC in favour of petitioner, even then the retirement benefits not yet disbursed.

4. I further state that in view of the above compromise I have no objection to set aside the order of the conviction passed by the learned IV Additional District and Sessions Judge, Bhavani, Erode in CrI.A.No.228 of 2019."

10. In view of the compromise arrived at between the parties, the offence stands compounded under Section 147 of the NI Act.

In the result, this criminal revision petition is allowed by setting aside the judgment and order 13.03.2020 passed in C.A.No.228 of 2019 on the file of the IV Additional District and Sessions Court, Bavani. As a sequel, Raj is acquitted of the offence under Section 138 of the NI Act.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The IV Additional District and Sessions Judge,
Bhavani.
2. The Judicial Magistrate Court-II,
Bhavani.

Cr1.R.C.No.757 of 2020

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