



Bail Slip

The Petitioner/Accused/Appellants namely 1. Silver line Vilas and Apartments Private Limited Rep by its Managing Director and Mr.P.K. Shailakanth, Managing Director M/s. Silver Line Vilas and Apartments Private Limited were directed to be released on bail dated 23.01.2014 made in M.P. 1/2014 in CrI.R.C. 3/2014 on the file of the Hon'ble Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI. R.C. No.3 of 2014

1. M/s.Silver Line Vilas &
Apartments, Pvt. Ltd.,
Represented by its Managing Director,
Century Plaza,
V.H. Road, Tharekkad,
Palakkad - 678 001,
State of Kerala.

2.P.K.Shailakanth ... Revision Petitioners/Appellants/
Accused 1 & 2

Vs.

P.Ramachandran ... Respondent/Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., against the judgment, dated 12.11.2013, passed by the V Additional District and Sessions Judge, Coimbatore, in C.A.No.128 of 2012, confirming the judgment of conviction and sentence, dated 26.03.2012, passed by the Judicial Magistrate, Fast Track Court at Magisterial Level No.II, Coimbatore, in C.C.No.310 of 2011.(STC No. 538/2011-Judicial Magistrate No.VI, Coimbatore)

For Petitioners: Mr.P.V.Selvarajan

For Respondent : Mr.R.Aranganathan



O R D E R

This Criminal Revision Case has been filed against the judgment, dated 12.11.2013, passed by the V Additional District and Sessions Judge, Coimbatore, in C.A.No.128 of 2012, confirming the judgment of conviction and sentence, dated 26.03.2012, passed by the Judicial Magistrate, Fast Track Court at Magisterial Level No.II, Coimbatore, in C.C.No.310 of 2011.

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

3.It is the case of the complainant that he paid Rs.6.85 lakhs to the accused for purchase of a plot, but the sale did not go through, and therefore, the accused issued three cheques for Rs.1,00,000/-, Rs.1,00,000/- and Rs.3,00,000/-, which, when presented, were dishonoured. After issuing a statutory demand notice, the complainant prosecuted the accused in C.C.No.310 of 2011 (Old S.T.C.No.538 of 2011 on the file of the Court of Judicial Magistrate No.6, Coimbatore), before the Judicial Magistrate (Fast Track Court at Magisterial Level No.II), Coimbatore, for the offence under Section 138 of the Negotiable Instruments Act, in which, the trial Court, by judgment and order dated 26.03.2012, convicted the accused of the offence under Section 138 of the Negotiable Instruments Act and sentenced them as follows :

Accused	Sentence
A1	Fine of Rs.4,000/-, in default, A2 to undergo simple imprisonment for three months.
A2	Simple imprisonment for six months and a fine of Rs.4,000/-, in default, to undergo simple imprisonment for three months.

4.The appeal in C.A.No.128 of 2012 that was filed by the accused was dismissed by the V Additional District and Sessions Judge, Coimbatore, on 12.11.2013.

5.Challenging the concurrent findings of the two Courts below, the accused have filed the present Criminal Revision Case, before this Court, under Section 397 r/w. 401 Cr.P.C.



6. Heard learned counsel for the petitioners/accused and learned counsel for the respondent/complainant.

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7. It is seen from the records that this Court had referred the matter to the Tamil Nadu Mediation and Conciliation Centre and a report dated 09.10.2017 has been received, which reads as follows :

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The 2nd petitioner represents the 1st petitioner company pay Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) by way of cheque No.012975, dated on 11.01.2018, drawn on M/s.Axis Bank Ltd., Chandranagar, Palakkad and the same is received by the Respondent.

2. The above said amount in full and final of settlement.

3. Both parties agreed that there are no further claims against each other."

The learned counsel for both sides submitted that the matter has been amicably settled.

8. In view of the above, this Criminal Revision Case is allowed and the judgments of the two Courts below are set aside. The accused are acquitted of the charge framed against them.

Fine amount, if any paid by the accused, shall be refunded to them. Bail bond, if any executed, shall stand discharged.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

mkkn



Copy to :

- 1.The V Additional District and Sessions Judge,
Coimbatore.
- 2.The Chief Judicial Magistrate
Coimbatore
- 3.The Judicial Magistrate,
Fast Track Court at Magisterial Level No.II,
Coimbatore.
- 4.The Assistant Registrar
Tamil Nadu Mediation and Conciliation Centre
High Court, Madras 104.

Cr1. R.C. No.3 of 2014

SR(CO)
SP(06/03/2020)