

Bail Slip

The Appellant/Accused viz., K.Abdulkadar, S/o.V.S.M.Kasim was directed to be released on bail as per order of this Court dated 12.09.2019 and made in Crl.M.P.13091 of 2019 in Crl.RC.909 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.909 of 2019

K.Abdul Kadar

... Petitioner

Vs.

G.K.Sampath Kumar

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the judgment passed by the XVII Additional City Civil Court in C.A.No.618 of 2018 dated 05.07.2019 by confirming the judgment passed in C.C.No.2864 of 2013 dated 16.05.2018 on the file of Metropolitan Magistrate, Fast Track Court-II at Egmore.

For Petitioner : Mr.T.Annamalai

For Respondent : Mr.S.B.Muthukumaran

ORDER

By judgement dated 16.05.2018 passed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, in C.C.No.2864 of 2013, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.10,00,000/- to the complainant, in default to undergo simple imprisonment for three months. Challenging the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.618 of 2018 before the XVII Additional Judge, City Civil Court, Chennai. By judgment dated 05.07.2019, the Appellate Court dismissed the Appeal and confirmed the judgment of the trial Court. 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 submitted that the parties have compromised the matter and have filed a joint

compromise memo dated 18.10.2019 to that effect, wherein, it is inter alia, stated as follows:

"The petitioner and respondent had jointly and severally decided to settle the above case amicably, after the detailed calculation arrived by both petitioner and respondent, at the end concluded to withdraw a case and compound the offence as settled out of court by the petitioner and respondent.

The petitioner and respondent had jointly executed and signed this compromise memo without any coercion, undue influence etc. for a sum of Rs.2,00,000/- (Two Lakhs) and the same was paid by the petitioner to the respondent viz. Demand draft No.542947 dated 18.10.2019 at Adhithanar Salai as full and final amount for a cheque no.862613 dated 13.03.2013 a sum of rupees five lakhs which was affirmed by the XVII Additional City Civil Court in CA No.618 of 2018 dated 05.07.2019 by confirming the judgment passed in CC No.2864 of 2013 dated 16.05.2018 on the file of Metropolitan Magistrate, Fast Track Court II at Egmore."

3.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 aforesaid compromise memo filed by the parties is accepted. Accordingly, the offence under Section 138 of the Negotiable Instruments Act, stands compounded under Section 147 ibid. The conviction and sentence imposed on the petitioner/accused by the trial Court and confirmed by the appellate Court are set aside and 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.

4.Accordingly, this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The XVII Additional City Civil Court
Chennai

2.The Metropolitan Magistrate
Fast Track Court No.II
Egmore, Chennai.

3.The Chief Metropolitan Magistrate,
Egmore, Chennai.

Copy to: The Section Officer, Criminal Section,
High Court, Madras.

+lcc to Mr.T.Annamalai, Advocate, SR.No.12960.

Cr1.R.C.No.909 of 2019

LN(CO)
CSR: 17.03.2020