

Bail Slip

The Petitioner/Accused Viz., P.Vadivel, S/o Ponnaiah was released on bail as per order of this Court dated 21/11/2017 in Crl.M.P.No.14517 of 2017 in Crl.R.C.No.1462 of 2017 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1462 of 2017

P.Vadivel ... Petitioner

Vs.

1.C.V.Balasundaram (deceased)

2.P.Jayanthi

3.B.Nalini

4.Ganesh Kumar

(Respondents 2 to 4 brought on record

as legal representatives of the deceased

first respondent as per the order of this

Court in Crl.M.P.No.18290 of 2019 in

Crl.R.C.No.1462 of 2017, dated 04.02.2020).

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. against the judgment dated 25.07.2017 made in Crl.A.No.258 of 2016 on the file of the learned IV Additional Sessions City Civil Judge, Chennai, confirming the judgment dated 07.10.2016 made in C.C.No.197 of 2015 on the file of the Metropolitan Magistrate, Fast Track Judge-IV, George Town, Chennai-600 001.

For Petitioner : Mr.M.Mohamed Hasain

For Respondents: Mr.Gurumoorthy

O R D E R

By judgment dated 07.10.2016 passed by the learned Metropolitan Magistrate, Fast Track Court-IV, Chennai in C.C. No.197 of 2015, the petitioner was convicted for the offence

under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.3,00,000/- to the complainant within one month. Challenging the said conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.258 of 2018 before the learned IV Additional Sessions City Civil Court at Chennai, in which, the judgment passed by the Trial Court was confirmed. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case.

2.The learned counsel for the Revision Petitioner has submitted that the matter has been settled between both the parties during the pendency of the Criminal Revision Petition. A petition has also been filed under Section 147 of the Negotiable Instruments Act duly signed by both the parties and their counsel in CrI.RC.SR.No.63308 of 2019 in which it is stated as follows:

"1.The petitioner submits that the said Revision has been filed by the petitioner before this Hon'ble Court. The petitioner, the respondents and their respective counsels appeared, the detailed discussions held and both parties hereto arrived for amicable settlement without any coercive, undue influence and compulsion.

2.The petitioner submits that the petitioner has already paid Rs.75,000/- (Rupees Seventy Five Thousand Only) out of total cheque amount of Rs.3,00,000/- (Rupees Three Lakhs Only) to the complainant named C.V.Balasundaram and the receipts also given by the said C.V.Balasundaram to the petitioner herein. Subsequently, the said C.V.Balasundaram died on 06.09.2017.

3.The petitioner submits that the petitioner has paid another part amount of Rs.75,000/- (Rupees Seventy Five Thousand Only) to the legal heirs of the said C.V.Balasundaram, namely P.Jayanthi and B.Ganesh Kumar the respondents herein by Demand Draft bearing Nos.880691 and 880692 dated 24.11.2017 drawn on Indian Bank in favour of the respondents. The respondents also issued receipts for the same to the petitioner on 24.11.2017.

4.The petitioner submits that the said Demand Drafts were presented in their bank and encashed by the respondents herein. The petitioner paid the remaining amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) through Demand Draft Nos.435974 and 435975 dated 01.10.2019 drawn on UCO Bank, New Washermenpet in favour of B.Ganesh Kumar and P.Jayanthi respectively, the respondents herein, which were acknowledged by the respondents herein.

5.The petitioner submits that since the respondents have received the entire dishonoured cheque amount of Rs.3,00,000/- (Rupees Three Lakhs Only) from the petitioner as stated above, the respondents hereby give the consent to full and final settlement for the dishonoured cheque amount."

3.It is also submitted by the learned counsel on either side that by virtue of the above compromise, the parties have no objection in acquitting the Revision Petitioner herein.

4.Since both the parties have entered into compromise and taking note of the petition filed under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act is compounded and the conviction and sentence imposed on the petitioner / accused by the Trial Court and confirmed by the Appellate Court, are set aside. Bail bonds, if any, executed by the petitioner shall stand cancelled.

5.The Criminal Revision Case is disposed of accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The IV Additional Sessions City Civil Judge,
Chennai.
- 2.The Metropolitan Magistrate,
Fast Track Judge-IV, Chennai.
- 3.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai.

+1cc to M/s.M.Mohamed Hasain, Advocate Sr.9109

Cr1.R.C.No.1462 of 2017

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