

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.15 of 2017 and
Crl.M.P.Nos.112 and 114/2017

S.Angamuthu ... Petitioner/Appellant/
Accused

Vs

Jayachitra ... Respondent/Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the judgment dated 24.11.2016 made in C.A.No.43 of 2016 on the file of the learned I Additional District and Sessions Judge, Erode, confirming the judgment dated 03.02.2016 made in STC.No.290 of 2015 on the file of the learned Judicial Magistrate/Fast Track Court No.1, Erode.

For Petitioner :Mr.N.Manokaran

For Respondent :No appearance

ORDER

The revision petitioner is an accused in STC.No.290 of 2015 on the file of the learned Judicial Magistrate/Fast Track Court No.1, Erode. By judgment dated 03.02.2016, he was convicted for an offence under Section 138 r/w.142 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and to pay a fine of Rs.5,000/-, failing which, the petitioner shall undergo simple imprisonment for a further period of 15 days. Aggrieved over the same, the petitioner preferred a Criminal Appeal before the learned I Additional District and Sessions Judge, Erode. By judgment dated 24.11.2016, the Appellate Court confirmed the conviction and sentence of the trial Court. Against the same, the petitioner is before this Court with this Criminal Revision.

2. Today, when the matter was called, the learned Counsel for the petitioner submitted that the dispute has been settled between the parties before a Notary Advocate at Erode and based on the Original terms of compromise entered into between the

parties, signed by both the parties before the Notary Advocate at Erode, a Memo dated 26.10.2017 has been filed by the petitioner. The learned Counsel further submitted that recording the same, the Criminal Revision may be disposed of.

3. There was no representation for the respondent. However, this Court perused the Memo filed by the petitioner along with the Original Terms of Compromise entered into between the parties before the Notary Advocate, Erode.

4. In this regard, it is relevant to extract the Memo filed by the petitioner here under:

'The petitioner submits that pending the above revision petition, the matter has been settled between the parties. Accordingly, both the parties have entered into a joint memorandum of settlement before the Notary Advocate at Erode. The original of the said Joint Memorandum of Settlement duly signed by the parties before the Notary Advocate is enclosed herewith. In view of the settlement, the respondent has not engaged a counsel on her behalf, to represent before this Hon'ble Court. The petitioner is working as a watchman in a private company and living with his wife and two children. Hence, he is unable to come over to Chennai to appear before this Hon'ble Court.

It is, therefore, prayed that this Hon'ble Court may be pleased to treat the Joint Memorandum of Settlement as part and parcel of this memo and consequently, set aside the conviction imposed in the judgment dated 24.11.2016 made in C.A.No.43 of 2016 on the file of the learned I Additional District and Sessions Court, Erode, confirming the judgement dated 03.02.2016 made in STC.No.290 of 2015 on the file of the learned Judicial Magistrate/Fast Track Court No.1, Erode by allowing this Criminal Revision Petition and thus render justice.'

5. Recording the Memo dated 26.10.2017 along with the Original terms of compromise entered into between the parties dated 07.09.2017, the conviction and sentence imposed on the revision petitioner in STC.No.290 of 2015 by the learned Judicial Magistrate/Fast Track Court No.1, Erode dated 03.02.2016 for the offence under Section 138 r/w.142 of the Negotiable Instruments Act, which was confirmed by the learned I Additional District and Sessions Judge, Erode by judgment dated 24.11.2016 in C.A.No.43 of 2016 are set aside. The petitioner is acquitted from the charges levelled against him. The Memo filed by the petitioner along with the Original Terms of Compromise shall form part of this order.

6. The Criminal Revision is disposed of accordingly.
Consequently, connected Miscellaneous Petitions are closed.

*The Xerox copy of the Memo and the
Terms of Compromise dated
07/09/2017 enclosed

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate/Fast Track Court No.1,
Erode.

2. The I Additional District and Sessions Judge,
Erode.

+1cc to Mr.N.Manokaran, Advocate Sr.631

Cr1.R.C.No.15/2017

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सत्यमेव जयते

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