



Bail Slip

The Petitioner viz Gunasekar S/o.P.K.Durai, aged 50 years in Crl.RC 1562/17 was directed to be released on bail as per order of this Court dated 15/12/2017 and made in Crl.MP No.15723/17 in Crl RC No.1562/17.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1562 of 2017

Gunasekar

... Petitioner

Vs

B.Chandrika

... Respondent

Prayer: Criminal Revision filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the judgment dated 20.11.2017 passed by the learned Additional sessions Judge/Magalir Neethimandram (Fast Track Mahila Court) Erode in C.A.No.176 of 2017 confirming the judgment dated 17.06.2017 passed by the learned Judicial Magistrate, Sathyamangalam in S.T.C.No.835 of 2014.

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.S.Parthasarathy

ORDER

By judgment dated 17.06.2017 passed by the learned Judicial Magistrate, Sathyamangalam in S.T.C.No.835 of 2014, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.2,00,000/- towards compensation, within a period of two months. Challenging the same, the petitioner preferred an appeal in Crl.A.No.176 of 2017 before the learned Additional Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode, in which, the order 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 petitioner has submitted that the matter stood compromised between the parties, as per which, the petitioner has paid a sum of Rs.2,00,000/- by way of Demand Draft bearing No.511740 dated 11.02.2020 drawn on State Bank of India, Sathyamangalam Branch to the respondent towards full and final settlement. The learned counsel also filed a Joint Memo of Compromise signed by both the parties, dated 12.02.2020, to that effect. The learned counsel further submitted that the petitioner may be permitted to withdraw a sum of Rs.50,000/- deposited by him, as per the order of this Court.

3.The learned counsel for the respondent affirms the above submissions of the learned counsel for the petitioner. He further submitted that the respondent has no objection for compounding the offence and acquitting the petitioner from the charge levelled against him.

4.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 joint memo of compromise is accepted by this Court. Accordingly, 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. The sum of Rs.50,000/- deposited by the petitioner, shall be refunded to him and the bail bond executed by him, shall stand cancelled. The said Joint Memo of Compromise shall form part of the order.

5.In the result, this Criminal Revision Case stands allowed.

*Copy of the Memo of Compromise

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Additional Sessions Judge/
Magalir Neethimandram (Fast Track Mahila Court)
Erode.

2. -do-Through' The Principal Sessions Judge, Erode.

3.The Judicial Magistrate, Sathyamangalam.



4. -do- Through' The Chief Judicial Magistrate,
Erode.

+1cc to Mr.R.Karthikeyan, Advocate SR.No.11339

Cr1.R.C.No.1562 of 2017

VD(CO)

GMV(13/07/2020)