

Bail Slip

The Petitioner/Accused viz M.S.Murugesan was directed to be released on bail as per order of this Court dated 21.02.2017 and made in Crl.R.C.No.244 of 2017 and Crl.M.P.No.2505/2017.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.244 of 2017
and
Crl.M.P.No.2505 of 2017

M.S.Murugesan ... Petitioner

Vs.

A.N.S.Arun Jayakumar ... Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. against the judgment dated 22.08.2016 made in Crl.A.No. 24 of 2016 on the file of the learned II Additional District and Sessions Judge, Erode, confirming the judgment dated 27.01.2016 made in S.T.C.No.122 of 2011 on the file of the learned Judicial Magistrate, FTC No.2, Erode.

For Petitioner : Mr.N.Sankaravadivel
For Respondent : Mr.M.Guruprasad

O R D E R

By judgment dated 27.01.2016 passed by the learned Judicial Magistrate, FTC No.2, Erode in S.T.C.No.122 of 2011, 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 one year and to pay a fine amount of Rs.5,000/-, in default, to undergo simple imprisonment for one month. Challenging the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.24 of 2016 before the learned II Additional District and Sessions Judge, 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. The learned counsel further submitted that the petitioner has given a Demand Draft dated 21.01.2020 for the entire disputed amount of Rs.5,00,000/- drawn on Canara Bank, Kasipalayam Branch, in favour of the respondent and the respondent has also issued a receipt for the same. He has also produced a copy of the said Demand Draft. Further, he filed a memo of compromise entered into between the petitioner and the respondent to that effect, duly signed by both the parties and their respective counsel.

3.The learned counsel for the respondent affirms the above submission of the learned counsel for the petitioner.

4.It is also submitted by the learned counsel for the respondent that by virtue of the above compromise, the respondent has no objection in acquitting the Revision Petitioner herein and the respondent also has no objection for the Revision Petitioner from withdrawing the fine amount that he has paid before the Trial Court.

5.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 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 fine amount, if any, paid by the petitioner shall be refunded back to him and the bail bonds, if any, executed shall stand cancelled. The said Memo of Compromise shall form part of the records.

6.The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

KM

To

1.The II Additional District and Sessions Judge,
Erode.

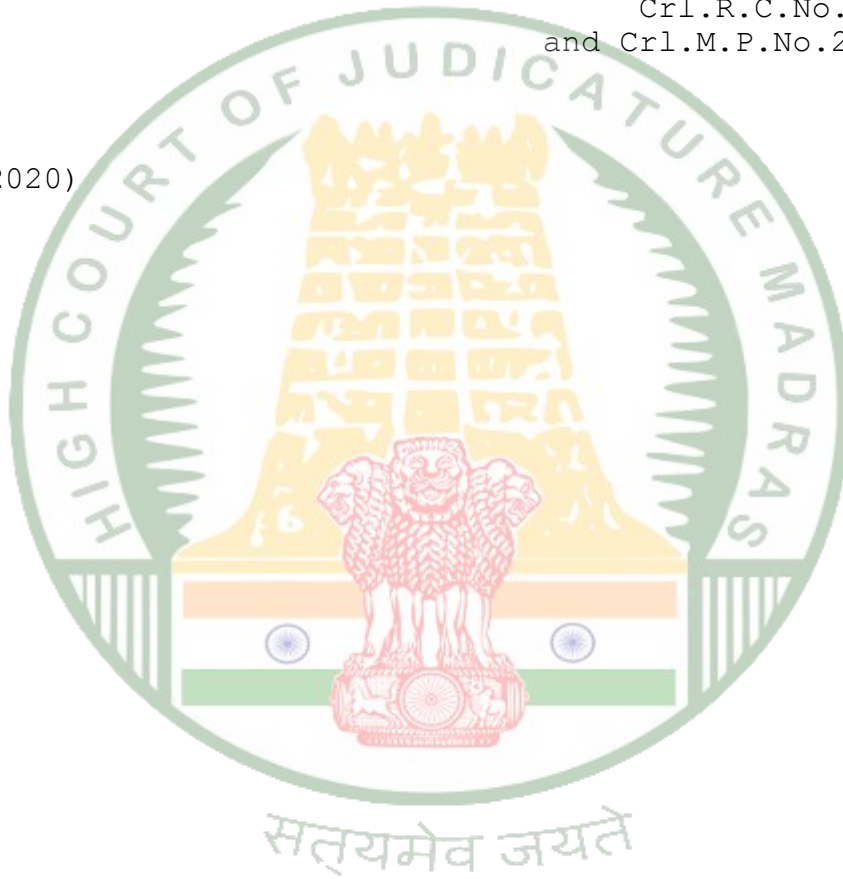
2.The Judicial Magistrate,
FTC No.2, Erode.

3.The Public Prosecutor,
Madras High Court.

+1 Cc to Mr.M.Guruprasad, Advocate sr 11518.

Crl.R.C.No.244 of 2017
and Crl.M.P.No.2505 of 2017

MP(CO)
SP(11/03/2020)



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