

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.601 of 2017

P.Jeyachandran

... Petitioner

Vs.

Pushpalatha

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the judgment dated 21.11.2016 passed in C.A.No.85 of 2016 on the file of the II Additional District and Sessions Court, Erode confirming the judgment dated 18.03.2016 passed in C.C.No.797 of 2010 on the file of the Judicial Magistrate Court No.3, Erode.

For Petitioner : Mr.I.C.Vasudevan
For Respondent : Mr.Guruprasad

ORDER

By judgement dated 18.03.2016 passed by the learned Judicial Magistrate Court No.3, Erode, in C.C.No.797 of 2010, 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 fine of Rs.5,000/-, in default to undergo simple imprisonment for two months. Challenging the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.85 of 2016 before the II Additional District and Sessions Court, Erode. The Appellate Court vide judgment dated 21.11.2016, dismissed the said Appeal and confirmed the conviction and sentence passed by 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 amicably and they have filed separate affidavits dated 15.02.2020 signed by them, to that effect and hence, the offence may be compounded.

3.The perusal of the aforesaid separate affidavits filed by the parties would reveal that the respondent/complainant

agreed to receive the cheque amount of Rs.2,50,000/- as full and final settlement and accordingly, she received a sum of Rs.1,25,000/- by way of cash on 02.02.2020 and issued a receipt to that effect. Further, it was agreed by the petitioner/accused that the amount of Rs.1,25,000/- deposited before trial Court to the credit of CC No.797 of 2010 vide receipt no.068566 should be handed over to the respondent/complainant.

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 separate affidavits of compromise filed by the parties are 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.

5.Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(C.S.VI)

/True Copy/

Sub Assistant Registrar

To

- 1.The II Additional District and Sessions Judge,Erode.
- 2.The Judicial Magistrate No.3, Erode.

+1 cc to M/s.I.C.Vasudevan,Advocate Sr.No. 13753

+1 cc to M/s.M.Guruprasad,Advocate Sr.No. 13483

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