



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.R.C.No.670 of 2017
& Crl.M.P.No.6403 of 2017

K.Saravanakumar ... Petitioner / appellant / accused

Vs.

State Bank of Hyderabad,
Porur Branch, Porur
Chennai 600 116
Rep. By its Branch Manager

... Respondent / Respondent /Complainant.

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. to call for the records and set-aside the judgment passed in Crl. Appeal No.41 of 2014 on the file of the learned I Additional Sessions Judge, Tiruvallur, dated 07.04.2017, confirming the conviction and sentence passed in STC No.304 of 2012 on the file of the learned Judicial Magistrate (Fast Track Court Magistrate Level II), Poonamallee, dated 01.03.2014.

For Petitioner : Mr. B.Mahendranaidu

For Respondent : Mr. T.Ramasamy

O R D E R

By judgment, dated 01.03.2014 passed by the learned Judicial Magistrate, Fast Track Court Magistrate Level II, Poonamallee, in S.T.C.No.304 of 2012, 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.10,00,000/-, in default, to undergo simple imprisonment for three months. Challenging the said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.41 of 2014 before the learned I Additional Sessions Judge, Tiruvallur, in which, the judgment of the trial court was confirmed and the Appeal was dismissed. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case.



2. Heard both sides.

3. The learned counsel for the petitioner submitted that the matter stood compromised between the parties. He further submitted that the respondent auctioned the property and realized the dues. He further submitted that the respondent / Bank undertakes to settle the remaining amount to the original owner. A compromise petition dated 25.02.2020 has also been filed to that effect.

4. The learned counsel for the respondent affirms the submissions made by the learned counsel for petitioner.

5. In view of the said submissions made by the learned counsel for both sides and by recording the compromise petition filed under Section 320 Cr.PC r/w 138 of the Negotiable Instruments Act (signed by the learned counsel for both sides) dated 25.02.2020, this Court is inclined to dispose of this case. Accordingly, the Criminal Revision Case shall stand disposed of. The offence under section 138 of the Negotiable Instrument Act against the petitioner shall stand compounded. The petitioner shall stand acquitted in the case. Fine amount, if any, paid by the petitioner shall be refunded to him. Bail Bonds, if any, executed shall stand cancelled. The said Compromise Petition shall form part of records. Consequently, the connected CrI.MP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

1. I Additional Sessions Judge, Tiruvallur
2. Judicial Magistrate (Fast Track Court Magistrate Level II), Poonamalle.

+1cc to Mr.B.Magendra Naidu, Advocate SR.16160

+2cc to Mr.T.Ramasamy, Advocate SR.15917

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GP(CO)
CB(01/07/2020)