

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1405 of 2019

P.Santhoshakumar

.. Petitioner

Vs.

R.Thangadurai

.. Respondent

Prayer : Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. against the judgment of the learned IV Additional District and Sessions Judge, Coimbatore, passed in C.A.No.101 of 2018 on 21.10.2019, confirming the order of conviction and sentence passed by the Judicial Magistrate, Sullur in C.C.No.16 of 2018 on 23.02.2018.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.R.Senthilkumar

O R D E R

By judgment, dated 23.02.2018 passed by the learned Judicial Magistrate, Sullur, Coimbatore District, in C.C.No.16 of 2018, 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 six months and to pay a fine amount of Rs.3,000/-, 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.101 of 2018 before the learned IV Additional District and Sessions Judge, Coimbatore, 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 cash of Rs.2,00,000/- to the respondent and also transferred a property of his wife S.Jansirani, viz. the land worth about Rs.1,81,000/- to the son of the respondent by way of a registered sale deed, towards full and final settlement. He also filed a joint memo of compromise entered into between the

parties, duly attested by a Notary Public.

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 on either side that by virtue of the above compromise, the parties have no objection in acquitting the Revision Petitioner herein and they also have 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 joint compromise memo 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 Joint Memo of Compromise shall form part of the records.

6.The Criminal Revision Case is disposed of accordingly.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The IV Additional District Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Sulur.
3. -do-Through The Chief Judicial Magistrate,
Coimbatore District.

Cr1.R.C.No.1405 of 2019

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