



Bail Slip

This Criminal Revision petitioner namely Alicia Rodrigo, was released on bail, as per order dated 04.12.2014 made by this court in MP(MD)No.1/2014, in CRL RC(MD)No.427/2014.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C. (MD)No.427 of 2014

Alicia Rodrigo .. Petitioner / Appellant/ Single Accused
Vs.

D.Runstide .. Respondent / Respondent / Complainant

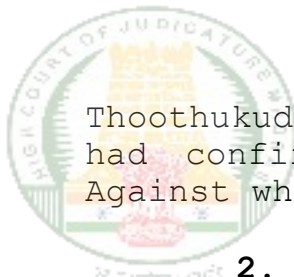
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the judgment delivered by the learned Fast Track Court Judge (Magisterial level), Thoothukudi in C.C.No.260 of 2013, vide judgment dated 27.06.2014, which has been confirmed by the learned II Additional District Judge, Thoothukudi in C.A.No.44 of 2014 vide his judgment dated 25.09.2014 and set aside the same and acquitting the petitioner from the charge referred to in the above said case.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondent : Mr.A.Thiruvadikumar

ORDER

The petitioner is the accused in C.C.No.260 of 2013, before the learned Fast Track Court Judge (Magisterial level), Thoothukudi. The respondent had filed a private complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment, dated 27.06.2014 had found the petitioner guilty and sentenced him to undergo one year Simple Imprisonment and directed him to pay a sum of Rs.6,00,000/- being the cheque amount as compensation to the respondent / complainant within one month time, in default to undergo one month Simple Imprisonment. Aggrieved against the said order, the petitioner had preferred an Appeal before the learned II Additional District Judge,



Thoothukudi. The lower Appellate Court by judgment dated 25.09.2014, had confirmed the conviction and sentence of the trial Court. Against which the present revision has been filed.

2. It is submitted that during the pendency of the revision, compromise has been arrived at between the petitioner and the respondent and to that effect, a memo of compromise has been filed under Section 147 of the Negotiable Instruments Act and also the respondent / complainant, who is presently in Ghana has filed an affidavit and the same was attested by him before the High Commission of India, ACCRA, Ghana and the High Commission had also attested the same. Both the parties have submitted that the issue has been settled and the complainant confirms that he had received the cheque amount of Rs.6,00,000/- and he will not compound the offence.

3. In view of the above, conviction and sentence imposed against the petitioner by the Courts below is liable to be set aside.

4. In the result, the Criminal Revision Petition is allowed, judgment in C.C.No.260 of 2013, by the learned Fast Track Court Judge (Magisterial level), Thoothukudi confirmed in C.A.No.44 of 2014, by the learned II Additional District Judge, Thoothukudi, is hereby set aside and the petitioner is acquitted from all the charges framed against him.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

(Encl. Xerox copy of Joint Compromise Petition)

1.The Fast Track Court Judge (Magisterial level), Thoothukudi.

2.The II Additional District Judge, Thoothukudi.

3.The Judicial Magistrate, Sathankulam.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-8031[F]

Crl.RC. (MD) No.427 of 2014

24.02.2020

tsg

SDS (04.03.2020) 2P-5C

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