



BAIL SLIP

B.Venkatesh, Petitioner/Accused, S/o Balakrishnan Nadar, is released on Bail vide Court order dated 01.10.2015 made in MP(MD) No.1 of 2015 in Crl RC(MD)No.466 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.R.C. (MD) .No.466 of 2015

and Crl.M.P. (MD) .No.4129 of 2020

B.Venkatesh

... Petitioner/Accused

Vs.

T.Murugesan

... Respondent/Complainant

PRAYER: Criminal Revision Case, filed under Section 397 and 401 of the Criminal Procedure Code, to set aside the Judgment made in C.A.No.82 of 2014, by the IV Additional District and Sessions Judge, Tirunelveli, dated 10.08.2015 confirming the Judgment of conviction and sentence made in C.C.No.551 of 2013 by the Judicial Magistrate, Valliyoor, dated 29.10.2014.

For Petitioner : Mr.D.Venkatesh
For Respondent : No Appearance

ORDER

This revision case is filed by the petitioner / accused as against the order of conviction imposed by the Courts below for the offence under Section 138 of the Negotiable Instruments Act.

2.A complaint was filed by the respondent herein, as against this revision petitioner, before the learned Judicial Magistrate, Valliyoor and the said complaint was taken on file in C.C.No.551 of 2013 by the learned Judicial Magistrate, Valliyoor and after the trial, the trial Court found the petitioner / accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo one year simple imprisonment and to pay a compensation of Rs.3,00,000/- (Rupees three lakhs only), in default to undergo three months simple imprisonment.

3.As against the conviction and sentence, the petitioner preferred an appeal before the Sessions Court and the same was taken on file in Crl.A.No.82 of 2014 by the learned IV Additional District and Sessions Judge, Tirunelveli and the appeal was dismissed by judgment dated 10.08.2015.

4.Aggrieved over the same, the petitioner /accused preferred this Criminal Revision Case on the grounds that the trial Court and
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the appellate Court have not appreciated the evidence properly.

5. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that pending the revision case, the matter has been settled between the petitioner and the respondent and they have also jointly filed an application under Section 147 of the Negotiable Instruments Act to compound the offence. In the affidavit filed in support of the petition it has been stated as follows:

"A Compromise talk was held in presence of our Village elders and well wishers to settle the dispute amicably.

I submit based on the compromise a debt acknowledgment receipt dated 31.07.2020 came to be executed in the presence of two witnesses. As per the same, I agreed to receive a sum of Rs.75,000/- towards full and final settlement and accordingly received the said sum on 20.07.2020. As such, I agreed to compound the case pending as against the petitioner.

5. I submit that the compounding petition filed under Section 147 of the Negotiable Instruments Act and the debt acknowledgment receipt dated 31.07.2020 annexed in the typeset may be treated part and parcel of my affidavit. As stated in the above paragraph since a compromise was arrived between me and the petitioner this Honourable Court may be pleased to record the same or otherwise we will be put to irreparable loss and hardship.

I therefore pray that this Honourable Court may be pleased to record the settlement arrived between the parties, permit us to compound the offence and acquit the petitioner under Section 320(8) of the Cr.P.C."

6. In view of the affidavit filed in support of the petition under Section 147 of Negotiable Instruments Act, the criminal miscellaneous petition in Crl.M.P.(MD).No.4129 of 2020 is allowed and this Criminal Revision Petition is disposed of by setting aside the orders of the trial Court and the Appellate Court.

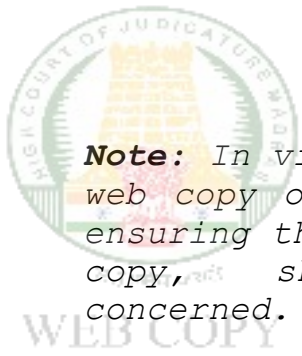
Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The IV Additional District and Sessions Judge, Tirunelveli.
- 2.The Judicial Magistrate, Valliyoor.

Crl.R.C. (MD) .No.466 of 2015
20.08.2020

AP(03/09/2020) 3P 3C