

BAIL SLIP

The Appellant/Accused Chelliah S/o.Daniel, was released on bail (Accused Not in Jail) as per order dated 13.10.2015 made in MP(MD).1 of 2015 in CRL RC(MD).502 of 2015.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.RC. (MD) No.502 of 2015

Chelliah : Petitioner
vs.

State Rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Cr.No.13 of 2010 : Respondent

PRAYER: Petition filed under Section 397 & 401 of the Criminal Procedure Code to call for the records in connection with the judgment passed by the Additional District and Sessions Court, Ramanathapuram, in C.A.No.17 of 2013, dated 23.01.2015, confirming the judgment passed in C.C.No.77 of 2012, dated 06.04.2013, by the Judicial Magistrate, Muthukulathur, and set aside the same.

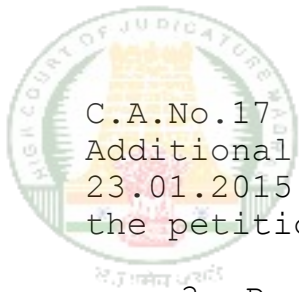
For Petitioner : Mr.C.Christopher

For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side)

ORDER

One Manimegalai, D/o.Ponnusamy, lodged a complaint as against the petitioner herein before the Inspector of Police, District Crime Branch, Ramanathapuram, that this petitioner has cheated her to the tune of Rs.1,95,000/-, on the premise that he would arrange for a job for her. The respondent / Police registered the same in Crime No.13 of 2010 and after conducting the investigation, has also filed a final report as against this petitioner in C.C.No.77 of 2012.

2. The learned Judicial Magistrate, Muthukulathur, in conclusion of the trial, in C.C.No.77 of 2012, found the petitioner guilty for the offence under Section 420 IPC, convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for one month. As against the judgment of the trial Court, the revision petitioner preferred an appeal before the Court of Sessions in



C.A.No.17 of 2013 and the same was dismissed by the learned Additional District Judge, Ramanathapuram, by judgment dated 23.01.2015. As against the concurrent findings of the Courts below, the petitioner has preferred the instant criminal revision case.

3. Pending this revision case, the revision petitioner has paid a sum of Rs.1,95,000/- to the defacto complainant, vide two demand drafts, bearing nos.879520 & 879521, dated 11.09.2020. On receipt of the said demand drafts from the petitioner, the defacto complainant has also filed an affidavit before this Court to record her affidavit as a memo of compromise and to set aside the conviction and sentence imposed on the petitioner by the Courts below.

4. The learned Counsel for the petitioner has also filed the affidavit of the petitioner / Chelliah, as to the subsequent events took place.

5. In view of the present day COVID-19 situation, the parties could not be directed to appear before this Court, for verification and therefore, this Court directed the learned Government Advocate (Crl. Side) to verify whether any such compromise has been arrived at between the parties and whether the defacto complainant sworn the affidavit voluntarily.

6. Pursuant to the directions of this Court, the Inspector of Police, District Crime Branch, Ramanathapuram, has also enquired the defacto complainant, namely, Manimegalai and the petitioner, namely, Chelliah, recorded their statements and produced the same before this Court, that the compromise has been effected voluntarily.

7. As per the new amended Code, the offence under Section 420 IPC is compoundable, subject to the permission of the Court. In view of the subsequent events took place and the affidavit filed by the defacto complainant praying to set aside the punishment imposed by the Courts below, this criminal revision case is disposed of, by recording the affidavits of the defacto complainant dated 12.09.2020 and the petitioner dated 29.08.2020 and the charges are compounded as per Section 320 Cr.P.C. Pending miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ENCL.: XEROX COPY OF AFFIDAVIT OF DEFACTO COMPLAINANT AND THE PETITIONER



gk

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 Additional District and Sessions Judge,
Ramanathapuram.
- 2.The Judicial Magistrate,
Muthukulathur.
- 3.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

Cr1.RC.(MD)No.502 of 2015
17.09.2020

SCR(CO)

TR(13.10.2020) 3P 7C