

Bail Slip

The Appellant/Accused namely Jayapal S/o Subramaniyan, Proprietor of J.B.Agency, (in C.C.No.374 of 2007 on the file of the learned Judicial Magistrate No.1, Mannarkudi) was directed to be released on bail by order of this Court dated 03.03.2014 and made in CrI.M.P.No.1 of 2014 in CrI RC No.232/2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CrI.R.C.No.232 of 2014

Jayapal,
S/o.Subramaniyan

... Petitioner/Accused

Vs.

P.L.Chidambaram,
S/o.Pazhaiappan

... Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401(i) Cr.P.C., to call for the records in C.A.No.31 of 2010 and to set aside the judgment dated 10.01.2014 on the file of the learned Principal Sessions Judge, Thiruvarur, confirming the order in C.C.No.374 of 2007 on the file of the learned Judicial Magistrate No.I, Mannargudi, dated 14.07.2010.

For Petitioners: Mr.E.Raj Thilak

For Respondent : Mr.Swami Subramaniam
for Mr.G.Vinodh Kumar

O R D E R

(The case has been heard through video conference)

This petition has been filed seeking to call for the records in C.A.No.31 of 2010 and to set aside the judgment in C.A.No.31 of 2010, dated 10.01.2014, passed by the learned Principal Sessions Judge, Thiruvarur, confirming the order passed in C.C.No.374 of 2007, dated 14.07.2010, passed by the learned Judicial Magistrate No.I, Mannargudi.

2. For the sake of convenience, the petitioners and the respondent will be referred to as accused and complainant, respectively.

3. The brief facts of the case are as under:

3.1 The complainant initiated the prosecution in C.C.No.374 of 2007 before the learned Judicial Magistrate No.I, Mannargudi, for the offence under Section 138 of the Negotiable Instruments Act, 1881 against the accused, in which, the trial Court, by judgment and order dated 14.07.2010, convicted the accused of the aforesaid offence and sentenced to undergo one year simple imprisonment and directed to pay a sum of Rs.1,00,000, as compensation to the defacto complainant in default to undergo six months simple imprisonment.

3.2 The appeal in C.A.No.31 of 2010 filed by the accused, was dismissed by the learned Principle District and Sessions Judge, Thiruvarur, on 10.01.2014.

3.3 Challenging the concurrent findings of fact arrived at by the Courts below, the accused has filed the present criminal revision under Section 397 r/w 401 Cr.P.C.

4. Heard Mr.E.Raj Thilak, learned counsel for the petitioner/accused and Mr.Swami Subramaniam, learned counsel for Mr.G.Vinodh Kumar, learned counsel for the respondent/complainant.

5. The learned counsel for both sides submitted that the parties have arrived at a compromise and they have also filed a joint memorandum of compromise, signed by the parties and their respective counsel.

6. The terms of the joint memorandum of compromise reads as under:

"2. The parties submit that, during the pendency of the present petition, the petitioner has repaid the amount to the respondent.

3. The parties submit that, therefore, voluntarily they have decided to compromise the present proceedings.

In these circumstances, it is humbly submitted that this Hon'ble Court pleased to compound the offence under S.138 of the Negotiable Instruments Act in C.C.No.374 of 2007 on the file of the Learned Judicial Magistrate-I, mannargudi and thus render justice."

7. In view of the above, the offence under Section 138 of the NI Act stands compounded under Section 147, ibid and the

accused are acquitted of the charge. The judgment and order dated 14.07.2010 passed in C.C.No.374 of 2007, on the file of the learned Judicial Magistrate No.I, Mannargudi, confirmed by the judgment and order dated 10.01.2014 passed in C.A.No.31 of 2010 on the file of the learned Principal Sessions Judge, Thiruvavarur, are hereby set aside.

8. In fine, this criminal revision is allowed. The bail bond executed by the accused shall stand cancelled. Fine amount, if any, paid by the accused shall be refunded. The Registry is directed to return the original records to the Courts below concerned.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Mannargudi.
- 2.-Do- Thro' The Chief Judicial Magistrate,
Tiruvavarur.
3. The Principal Sessions Judge,
Thiruvavarur.
4. The Deputy Registrar (Crl.Section),
Madras High Court,
Chennai - 600 104.

Copy to

The Section Officer,
Criminal Section, High Court,
Madras.

Cr1.R.C.No.232 of 2014

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