



Bail Slip

The Petitioner/Accused namely V.S.Ponnusamy, S/o. Chennai was directed to be released on bail and the order of this Court dated 12.12.2019 in CrI.M.P. No. 18468 and 18470/2019 in CrI.R.C.No.1431/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.No.1431 of 2019

V.S.Ponnusamy,
S/o, Chennai

...Petitioner/Accused

Versus

A.Mathiyalagan,
S/o, Ayyavu

...Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records and set aside the conviction imposed in the judgment dated 10.09.2019 made in C.A.No.61 of 2019 on the file of the Principal Sessions Judge of Erode, confirming the conviction imposed on the judgment dated 14.12.2018 made in S.T.C.No.101 of 2018 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode.

For Petitioner : Mr.J.Ranjith Kumar
For Respondent : Mr.M.Guruprasad

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order of conviction dated 10.09.2019 passed in C.A.No.61 of 2019 on the file of the Principal Sessions Judge of Erode, confirming the order of conviction dated 14.12.2018 passed in S.T.C.No.101 of 2018 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode.

2. For the sake of convenience, the parties are referred to as per their rankings in the trial court.



WEB COPY

3. The accused borrowed a sum of Rs.1,50,000/- from the complainant on 22.12.2017 and issued a post dated cheque bearing No.300652, drawn on Corporation Bank, Teachers Colony Branch, Erode. The complainant had presented the cheque for collection on 24.01.2018 through Indian Overseas Bank, Modakurichi Branch and the same was dishonored for the reason "insufficient funds" on 29.01.2018. The complainant had issued a statutory notice to the respondent on 06.02.2018 in due compliance of the procedures contemplated under section 138(b) of the Negotiable Instruments Act and since the accused did not come forward to settle the demanded amount, the complainant had preferred a complaint in S.T.C.No.101 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode. On the side of the complainant, P.W.1 to P.W.3 were examined. Exhibits P1 to P14 were marked in support of his case. No evidence was let in by the defence side and after a full fledged trial, the trial court had found the accused guilty for the offence under section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and imposed a fine of Rs.1,50,000/- towards compensation, in default to undergo two months simple imprisonment. Aggrieved over the order of conviction passed by the trial court, the accused preferred an appeal in C.A.No.61 of 2019 on the file of the Principal Sessions Court, Erode. The Appellate Court by its judgment dated 10.09.2019, had dismissed the appeal by confirming the order of the trial court. Against which, the accused/ petitioner herein had preferred the present Criminal Revision Petition.

4. The accused/petitioner herein filed CrI.M.P.Nos.18468 and 18470 of 2019 seeking exemption from surrendering and also suspension of sentence. This Court vide order dated 12.12.2019, had granted suspension of sentence and also exempted him from surrendering on condition that the petitioner shall deposit a sum of Rs.75,000/- before the trial court within three weeks from the date of receipt of a copy of the order. The accused had failed to comply with the abovesaid order. Thereafter, the accused had been arrested in pursuant to a non-bailable warrant issued by the trial court and now he is in custody. Meanwhile, the parties have compromised the matter and pursuant to the compromise, the complainant had received a sum of Rs.1,30,000/- as full and final settlement towards the disputed cheque.

5. Today, the complainant has filed an affidavit before this Court stating that the matter has been compromised between the parties and he has also received the said amount of Rs.1,30,000/- as full and final settlement towards the disputed cheque in this case and also prayed that the offence may be compounded.



6. The learned counsel for the petitioner/accused would submit that the petitioner had been arrested and now he is in jail from 20.10.2021. He would further submit that the matter has been settled and the wife of the petitioner/accused has paid the amount of Rs.1,30,000/- towards full and final settlement. He would further submit that the respondent/complainant has also filed a necessary affidavit agreeing to compound the matter and prayed that the revision may be allowed in terms of agreement entered into between the parties and the affidavit filed by the complainant.

7. In view of the compounding of the offence, the Criminal Revision Petition stands allowed and the conviction and sentence imposed in the judgment dated 10.09.2019 passed in C.A.No.61 of 2019 on the file of the Principal Sessions Court, Erode, and the conviction and sentence imposed in the judgment dated 14.12.2018 passed in S.T.C.No.101 of 2018 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode are set aside. In view of the setting aside of the conviction and sentence of the Courts below, the revision petitioner is directed to be set at liberty forthwith. Affidavit of the respondent/complainant shall form part of the Court records.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mfa

To

1. The Principal Sessions Judge,
Principal Sessions Court,
Erode.

2. The Judicial Magistrate,
Fast Track Court No.I,
Erode.

Copy to:

The Superintendent,
Central Prison,
Coimbatore.

+1 CC to Mr.M.Guruprasad, Advocate sr 58300.

CRL.R.C.No.1431 of 2019

AKII(CO)
SP(12/11/2021)