



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Crl.RC(MD)No. 276 of 2016

A.S. Dhanapal

...Petitioner/Petitioner/Accused

Vs.

Paramasivam (Died)

1. P. Sivakumar

2. P. Sasikumar

3. P. Palaniammal

4. P. Parvathy

[R-1 to R-4 impleaded as per Order of this Court, dated 12.03.2021]

...Respondents/Respondents/Complainants

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order of the learned Principal District Judge, Pudukkottai District in Crl. MP No. 45 of 2016 in C.A. SR No. 381 of 2015, dated 15.02.2016 by condoning the delay.

For Petitioner : Mr.R. Anand
for M/s.A. Sivasubramanian

For Respondents : Mr.D. Srinivasaragavan

O R D E R

This Criminal Revision Case has been filed to set aside the order, dated 15.02.2016 in Crl. MP No. 45 of 2016 in C.A. SR No. 381 of 2015 passed by the learned Principal District Judge, Pudukkottai District, by condoning the delay.

2. The revision petitioner was tried for the offence under Section 138 of Cr.P.C before the learned Judicial Magistrate, Thirumayama and the trial Court, in conclusion of the trial, found him guilty for the offence he was stood charged. The revision petitioner has filed a petition in Crl.MP. No.45 of 2016 in C.A. SR No.381, dated 15.02.2015 on the file of the Principal District Court, Pudukkottai, to condone the delay of 1604 days in filing an appeal against the Judgment, dated 26.06.2011 the same was dismissed on 15.02.2016. Against the order, dated 15.02.2016, the petitioner has preferred this revision case.



3. When the matter is taken up today, the learned Counsel for the petitioner submitted that steps have been taken and the issue has been solved amicably and the petitioner has also paid the entire cheque amount to the respondents. In this regard, the learned Counsel has also filed Joint Compromise Memo, dated 29.03.2021, signed by both the petitioner and the respondents, as well as their respective Counsel.

4. The revision petitioner as well as the respondents/complainants are present before this Court today. The respondents/complainants affirmed the submission made by the learned Counsel for the petitioner as well as the Joint Compromise Memo, dated 29.03.2021. The respondents/complainants further submitted that he received the entire Cheque amount and they are not interested in prosecuting the case any further. The identity of the respondents/complainants are verified through the Aadhar Card, produced by them.

5. In view of the subsequent developments taken place and in view of the joint compromise memo dated 29.03.2021, this Court set aside the conviction and sentence, in Crl.MP. No.45 of 2016 in C.A. SR No.381, dated 15.02.2015 on the file of the Principal District Court, Pudukkottai.

6. In fine, this Criminal Revision Case is allowed and the petitioner is acquitted of the charge framed against him. Fine amount, if any paid, shall be refunded. Bail bonds, if any executed, shall stand terminated.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

ENCL.: XEROX JOINT COMPROMISE MEMO.

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 Principal District Court, Pudukkottai,
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-14933[F] dated
31/03/2021)

**Order made in
Crl.RC(MD)No. 276 of 2016
31.03.2021**

MJ(CO)
TR(07.07.2021) 3P 5C