

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cr1.R.C.No.283 of 2022

1. Sabari System
Proprietor K.Anandakumar
233, S.K.C.Road,
Opp. To Dr.Veerasisvan Hospital,
Erode -6.

2. K.Anandakumar

... Appellants

Versus

JCS Computer,
Represented by its proprietor Murugan
274-E, Janani Complex,
Anangur Road Division,
Salem Main Road,
Kumarapalayam,
Kumarapalayam Taluk,
Namakkal District.

... Respondent

Prayer : Criminal Revision Petition filed u/s. 397 read with 401 of Cr.P.C to call for the records relating to the impugned judgment dated 20.11.2019 made in C.A.No.67 of 2019 on the file of the II Additional District Sessions Judge, Erode convicted the petitioner to undergo one year Simple Imprisonment and to pay a fine of Rs.5,000/- and in default to undergo 3 month simple imprisonment for the offences punishable under section 138 of Negotiable Instrument Act confirming the judgment dated 30.01.2019 in S.T.C.No.280 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Erode and to set aside the same as illegal and consequently acquit the petitioner from the charges.

For Appellants : Mr.A.Mohan

For Respondent : Mr.G.Aravindhnan

JUDGMENT

This Criminal Revision petition is filed by the petitioner, aggrieved by the conviction for the offence under section 138 of Negotiable Instrument Act.

2. When the matter came up for hearing, both side counsels were present and had stated that a Joint Compromise Memo has also been filed, wherein, it is averred that the accused has paid the disputed amount to the complainant and the same has been accepted by the complainant in full quit and further the complainant is willing to drop the entire criminal proceeding.

3. In that view of the matter, this Criminal Revision petition is allowed on the following terms:-

(i) The conviction and sentence imposed on the petitioners by the judgement dated 30.01.2019 made in S.T.C.No.280 of 2017 by the learned Judicial Magistrate Fast Track Court No.II), Erode and confirmed by Additional District Sessions Judge, Erode in a judgment dated 20.11.2019 made in C.A.No.67 of 2019 are set aside.

(ii) Accordingly this Criminal Revision petition is allowed and the offence under section 138 of Negotiable Instruments Act is treated as compounded.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

sma

To

1. The II Additional District Sessions Judge,
Erode.
2. The Judicial Magistrate,
Fast Track Court No.II,
Erode
3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.G.Aravindhan, Advocate SR.No.35979

Cr1.R.C.No.283 of 2022

GPL(CO)
GMY(30/06/2022)