

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1081 of 2022

and

Crl.M.P.No.12216 and 12219 of 2022

1. M/s Jyothik Engineering Enterprises
Rep. by its partner / authorized signatory
K.Saravanaperumal
No.202/B, Nehru Street
Alwarthirunagar, Chennai - 600 087.

2. K.Saravanaperumal .. Petitioners

Vs

- Abdul Razak .. Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to call for the records pertaining to the judgment dated 28.03.2022 made in Crl.A.No.30 of 2017 by the learned III Additional District and Sessions Court, Tiruppur at Dharapuram, confirming the judgment dated 14.02.2017 in C.C.No.140 of 2015 passed by the learned Judicial Magistrate No.II, Udumalpet convicting the petitioners under Section 138 of the Negotiable Instruments Act, Wherein both the petitioners were found guilty and convicted and A1(1st petitioner) is sentenced to undergo simple imprisonment for a period of one year and shall pay fine of Rs.5,00,000/- (Rupees Five Lakhs only) and since A1 (1st petitioner) is a firm, A1 is sentenced to pay a fine of Rs.5,00,000/- (Rupees

Five Lakhs only) set aside the same.

For Petitioners : Mr.M.Arunachalam

ORDER

Today when the matter came up for hearing, learned counsel produced a memorandum of settlement entered into between the parties in and by which the respondent / complainant has accepted the total sum of Rs.5 lakhs paid by the accused as full quit and has agreed to drop all further proceedings in this case.

2. In view thereof, the revision is disposed of on the following terms:

(i) The conviction and sentence imposed on the petitioner by judgment dated 14.02.2017 in C.C.No.140 of 2015 passed by the learned Judicial Magistrate No.II, Udumalpet and confirmed by judgment dated 28.03.2022 made in Crl.A.No.30 of 2017 by the learned III Additional District and Sessions Court, Tiruppur Dharapuram, is set aside;

(ii) The offence is treated as compounded;

(iii) The sum of Rs.1 lakh deposited by the petitioner / accused to the credit of C.C.No.140 of 2015 on the file of the learned Judicial Magistrate II, Udumalpet, is ordered to be refunded to the petitioner / accused himself, without any formal application but upon verification of the identity of the petitioner / accused.

3. Consequently, connected miscellaneous petitions are also closed.

Index : yes/no
Speaking/Non-speaking order
drm

30.08.2022

To

1. The III Additional District and Sessions Court
Tiruppur, Dharapuram.
2. The Judicial Magistrate No.II, Udumalpet.
3. The Public Prosecutor, High Court of Madras.

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D.BHARATHA CHAKRAVARTHY, J.

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