



BAIL SLIP

The Petitioner/Accused namely viz., Mr.S.Manivannan, Male aged 47 years, S/o.Subbaraya Gounder was directed to be released on bail vide order dated 24.10.2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.739 of 2019
and Crl.M.P.No.4860 of 2022

S.Manivannan ...Petitioner/Accused in both Petitions

Vs.

P.Sathishkumar
...Respondent/Complainant in both Petitions

PRAYER in Crl.RC.No.739 of 2019: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the judgment of conviction and sentence dated 05.06.2018 made in S.T.C.No.317 of 2017, on the file of the learned Judicial Magistrate, FTC No.1, Erode, as confirmed by the judgment dated 07.12.2018 in C.A.No.269 of 2018 on the file of the learned II Additional District and Sessions Judge, Erode.

Prayer in Crl.M.P.No.4860 of 2022: This Criminal Miscellaneous Petition filed u/s 399 r/w 401 & 482 of CrPc u/s.147 of NI Act prayed to permit the petitioner and the respondent to compound the offence under section 138 of Negotiable Instrument Act in Crl.RC.739/2019.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.N.Somasundaram

ORDER

This Criminal Revision Case has been filed against the judgment of conviction and sentence dated 05.06.2018 made in S.T.C.No.317 of 2017, on the file of the learned Judicial Magistrate, FTC No.1, Erode, as confirmed by the judgment dated 07.12.2018 in C.A.No.269 of 2018 on the file of the learned II Additional District and Sessions Judge, Erode.



2. The revision petitioner herein is the sole accused in the above referred case. The said case has been filed by the respondent herein as against the petitioner, alleging that he committed an offence under Section 138 of Negotiable Instruments Act. The trial Court, after concluding the trial, found the petitioner guilty under Section 138 of Negotiable Instruments Act, convicted and sentenced him to undergo simple imprisonment for six months and to pay compensation of Rs.1,80,000/- to the complainant under Section 357(3) of Cr.P.C., failing which the accused shall undergo default sentence of one month simple imprisonment. In the appeal preferred by the petitioner in C.A.No.269 of 2018, the learned II Additional District and Sessions Judge, Erode, confirmed the findings arrived at by the trial Court and dismissed the appeal. Challenging the said concurrent findings, the petitioner filed Criminal Revision Case in CrI.R.C.No.739 of 2019, before this Court.

3. Today, when this Criminal Revision Case came up for hearing, Mr.N.Somasundaram, learned counsel takes notice for the respondent. Further, the revision petitioner/accused and the respondent/complainant, were also present before this Court. The revision Petitioner has filed a petition in CrI.M.P.No.4860 of 2022 under Section 147 of NI Act, wherein he prayed to compound the offence. Further, along with the said application, he has filed a copy of the 'Joint Memo of Compromise' dated 07.04.2022, through which the dispute having by the petitioner and the respondent, is amicably settled out of Court.

4. It is the further submission of the learned counsel on either side that as per the direction of the this Court while suspending the sentence imposed upon the petitioner vide order dated 29.10.2019, made in CrI.M.P.Nos.10388 & 10391 of 2019 in CrI.R.C.No.739 of 2019, the petitioner herein deposited a sum of Rs.1,00,000/- to the credit of S.T.C.No.317 of 2017 on the file of the learned Judicial Magistrate-I, Erode, and the same has been subsequently withdrawn by the respondent herein. Balance amount of Rs.80,000/- out of the total cheque amount i.e. Rs.1,80,000/- was paid by this petitioner to the respondent, in two spells viz., Rs.30,000/- on 07.03.2022 and 07.04.2022, vide D.D.Nos.513447 and 513476, respectively, drawn on City Union Bank, Modakurichi Branch.

5. In view of the above, as the present offence committed by the revision petitioner/accused under Section 138 of NI Act, is compoundable under Section 147 of the Act, the contents of the 'Joint Memo of Compromise' dated 07.04.2022 was read out to both parties and the same has been agreed by either side as found correct. Accordingly, this Criminal Miscellaneous Petition in CrI.M.P.No.4860 of 2022, is allowed and the offence committed by the petitioner/accused under Section 138 of NI Act, is compounded.



6. Ultimately, in view of the order now passed in Crl.M.P.No.4860 of 2022, this Court is inclined to pass the following orders :-

(i) The judgment of conviction and sentence passed by the Courts below are set aside and the accused is acquitted of the charge under Section 138 of the NI Act.

(ii) The Joint Memo of Compromise dated 07.04.2022 shall form part and parcel of this Order.

7. With the above directions, this Criminal Revision Petition stands closed.

* Herein enclosed the Xerox copy of the Joint Memo of Compromise

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional District and Sessions Judge,
Erode.

2.The Judicial Magistrate-(I),
FTC No.1, Erode.

+1cc to Mr.M.Guruprasad, Advocate SR. No. 24737

Crl.RC.No.739 of 2019

SKM (CO)
PR (21/04/2022)