



BAIL SLIP

The 2nd Petitioner/2nd Accused namely Syed aged about 45 years S/o Saida, Executive Partner, S.S.S.Egg Traders, No. 3/204, Paramathi Road, Poyerikari, Namakkal on his behalf and also on behalf of 1st Petitioner Company namely S.S.S.Egg Traders, No.524, SIDCO Estate, Podhupatti Colony, Paramathi Road, Namakkal was directed to be relased on bail by order of this Court dated 13.09.2019 made in CrI.R.C.No.1179/2017 and CrI.M.P.No.11284/2017.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.R.C.No.1179 of 2017

1. S.S.S.Egg Traders
No.524, SIDCO Estate,
Podhupatti Colony,
Paramathi Road, Namakkal.
2. Syed S/o Saida
Executive Partner
S.S.S.Egg Traders,
No. 3/204, Paramathi Road,
Poyerikari, Namakkal. ...Petitioners/Accused 1,2

Vs.

SVT Traders by its owner J. Thirunavukarsu
S/o Jeganathan
No.4.120/10, Bus stop near
Salem Road, Namakkal District. ...Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C, to call for the records pertaining to the judgement dated 25.7.2017 passed in C.A.No.5 of 2017 by the Principal Sessions Judge, Namakkal, confirming the judgement, against the appellant herein, dated 29.12.2016 passed in C.C.No.134 of 2012 by the Judicial Magistrate No.1, Namakkal, set aside the same, allow this petition.

For Petitioners : Mr.C.D.Sugumar

For Respondent : Mr.G.Mohan



ORDER

The petitioners are accused under Section 138 of the Negotiable Instruments Act in C.C.No.134 of 2012. The trial Court, by judgment dated 29.12.2016, found the petitioners' guilty, convicted them and sentenced them to undergo nine months simple imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo simple imprisonment for four months in further. Aggrieved against the same, the petitioners filed an appeal before the Principal Sessions Judge, Namakkal, in C.A.No.5 of 2017. The lower appellate Court by its judgment dated 25.07.2017 dismissed the appeal confirming the conviction and sentence imposed by the trial Court. Against which, the present revision.

2.Counsel for the petitioners/accused present today and submitted that the cheque amount, in the case, is at Rs.6,70,227/-. After some negotiations, the respondent/complainant, came to know about the present status of the petitioners and also the petitioners suffered huge loss and it is only a business transaction, agreed to settle the issue between them, by receiving a sum of Rs.6,00,000/- as compromise amount. In this compromise a amount, Rs.4,00,000/- paid by way of Demand Draft bearing No.244943 dated 15.02.2022 drawn on the Catholic Syrian Bank, Namakkal branch. Further, submitted that the petitioners have no objection for the respondent/complainant, to receive back the deposit amount of Rs.2,00,000/- which is deposited to the credit of C.C.No.134 of 2012 before the Judicial Magistrate No.1, Namakkal. In pursuant to the order passed by this Court in Crl.M.P.No.11284 of 2017 dated 13.09.2017, the petitioners have got no objection for the same.

3.The learned counsel for the respondent/complainant is also present today. He agrees for the said compromise and also acknowledged the receipt of the Demand Draft for a sum of Rs.4,00,000/- and shortly, to file a petition to seek return of Rs.2,00,000/-, which is deposited to the credit of C.C.No.134 of 2012.

4.In view of the same, this criminal revision petition is allowed by setting aside the judgment dated 25.07.2017 passed in C.A.No.05 of 2017 by the Principal Sessions Judge, Namakkal, confirming the judgment dated 29.12.2016 passed in C.C.No.134 of 2012 on the file of the Judicial Magistrate No.1, Namakkal. The trial Court to return Rs.2,00,000/- which is credited in C.C.No.134 of 2012, to the respondent/complainant on filing appropriate petition.

Sd/-

Assistant Registrar (CS-II)

//True Copy//



mpl/sms

To

1.The Principal Sessions Judge,
Namakkal.

2.The Judicial Magistrate No.1,
Namakkal.

3.The Chief Judicial Magistrate, (for information)
Namakkal.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.K.Kalimuthu, Advocate SR. No.10653

CRL.R.C.No.1179 of 2017

GPL (CO)
PR (09/03/2022)