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Crl.R.C.No.1210 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2022

CORAM :

THE HONOURABLE Mr. JUSTICE **M.NIRMAL KUMAR**

Crl.R.C.No.1210 of 2017

C.Afzal Ahmed

.. Petitioner

Vs.

N.Ramesh

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the entire records in pursuant to order dated 04.08.2017 in C.A.No.13 of 2017 on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District in C.C.No.51 of 2016 vide order dated 06.01.2017 on the file of the Judicial Magistrate Fast Track, Vellore, Vellore District and set aside the same.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.R.Nandhakumar
Legal aid counsel



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ORDER

This Criminal Revision Case is arising out of concurrent findings of the Courts below in a private complaint filed under Section 138 of Negotiable Instruments Act, by the respondent against the petitioner.

2. The Judicial Magistrate (Fast Track Court), Vellore convicted and sentenced the petitioner in C.C.No.51 of 2016, vide judgment dated 06.01.2017 and directed the petitioner to pay the cheque amount of Rs.15,00,000/- as compensation along with 6% interest, in default 3 months Simple Imprisonment.

3. Aggrieved by the same, the accused preferred Appeal before the learned Principal District and Sessions Judge, Vellore in C.A.No.13 of 2017. The lower appellate Court after re-appreciation of evidence, confirmed the conviction and sentence. Against which, the present Criminal Revision Case has been filed.



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4. The learned counsel for the petitioner and the learned counsel for the respondent filed Memo of Compromise signed by the parties and their respective counsels separately on 19.12.2022. Both are admitting concurrently that during pendency of the revision, the settlement has been arrived between the parties to their full satisfaction and give quietus to the proceedings.

5. Perusing of the Memo of Compromise, on 09.10.2017, cash of Rs.2,00,000/- has been handed over and balance of Rs.8,00,000/- by way of demand draft Nos.775040, 775041, 775042 & 775043 each for a sum of Rs.2,00,000/- drawn on City Union Bank, Melvisharam on 09.10.2017 and as on 09.10.2017, the agreed amount of Rs.10,00,000/- has been paid by the revision petitioner.

6. Both the parties are present before this Court physically and identified their respective counsels. A compromise memo along with the proof of payment and an identity proof have been produced. With the receipt of total sum of Rs.10,00,000/-, the respondent/complainant



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expressed that he is not further pursue the case and agreed to compound the offence or disposed of in accordance with law.

7. In view of the compromise arrived and give quietus to the dispute between the parties, ***this Criminal Revision Case is allowed as offence compounded.*** The judgment of conviction and sentence passed by the learned Principal District and Sessions Judge, Vellore in C.A.No.13 of 2017 dated 04.08.2017, confirming the sentence and order of conviction by the learned Judicial Magistrate (Fast Track Court) Vellore in C.C.No.51 of 2016 dated 06.01.2017 is set aside. The petitioner is acquitted of all charges.

19.12.2022

Internet : Yes/No

Index: Yes/No

rpl

To

1.The Principal District and Sessions Judge, Vellore, Vellore District

2. The Judicial Magistrate Fast Track, Vellore, Vellore District.



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M.NIRMAL KUMAR, J.

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