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BAIL SLIP

The Petitioner/ Accused namely viz., Mr.A.Sangameswaran, Male, aged 38 years S/o.Amirthalingam was directed to be released on bail vide order dated 06.09.2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.874 of 2019
and Crl.M.P.No.3833 of 2022

A.Sangameswaran
Proprietor/Authorized Signatory
Sangamesh Exports,
219/4, Breeze Towers,
Annai Nagar,
Sudhanathan Colony,
Surampatty Post,
Erode - 9.

...Petitioner/Accused

Vs.

Mythili,
Proprietor J.M.Mills,
rep by its Manager/Power Agent,
V.Jaganathan,
86, Sanjay Nagar,
Nasiyanoor Road,
Erode - 11.

...Respondent/Complainant

Prayer in Crl.RC.No.874 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 17.07.2019 made in C.A.No.165 of 2016, on the file of the learned I Additional District and Sessions Judge, Erode, confirming the judgment dated 16.08.2016 made in S.T.C.No.588 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

Prayer in Crl.M.P.No.3833 of 2022:

Petition filed under section 147 of NI Act of Criminal Procedure Code to set aside the conviction and sentence imposed imposed on the petitioner in STC.No. 588/2013 on the file of Judicial Magistrate, Fast Track Court I, Erode dated 16.08.2016 as confirmed in CA.No. 165/2016, on the file of the I Additional District and Sessions Judge, Erode dated 17.07.2019.



For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.C.S.Saravanan

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ORDER

This Criminal Revision Case has been filed against the judgment of conviction and sentence dated 17.07.2019 passed by the learned I Additional District and Sessions Judge, Erode in C.A.No.165 of 2016, confirming the judgment dated 16.08.2016 made in S.T.C.No.588 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

2. The revision petitioner herein is the sole accused in S.T.C.No.588 of 2013. The respondent herein filed the above referred case as against the petitioner alleging that the petitioner is liable to be convicted under Section 138 of Negotiable Instruments Act (herein after referred to as "the NI Act"). Both the trial Court and the first appellate Court concurrently held that the petitioner herein is found guilty for the offence under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for six months and imposed a fine of Rs.5,000/-, in default, the accused shall undergo simple imprisonment for a period of fifteen days. Challenging the same, the petitioner/accused is before this Court.

3. Today, when this Criminal Revision Case came up for hearing, both the revision petitioner/accused and the respondent/complainant, are appeared in person along with their respective counsel. Both of them have filed a petition in Crl.M.P.No.3833 of 2022 under Section 147 of NI Act, wherein they prayed to compound the offence. Further, along with the said application, they have filed "Joint Affidavit of the petitioner/ respondent" dated 19.03.2022 and "Additional Joint Affidavit of the petitioner/respondent" dated 06.04.2022 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 while at the time of suspending the sentence, vide order dated 06.09.2019 in Crl.M.P.Nos.12801 & 12803 of 2019, this Court directed the petitioner to deposit a sum of Rs.60,000/- to the credit of S.T.C.No.588 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court-I, Erode. In this regard, the petitioner is not having any objection to give the same to the respondent/complainant.

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 Affidavit of the petitioner/respondent dated 19.03.2022 and the Additional Joint Affidavit of the



petitioner/respondent dated 06.04.2022, were 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.3833 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 CrI.M.P.No.3833 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 Affidavit of the petitioner/respondent dated 19.03.2022 and the Additional Joint Affidavit of the petitioner/respondent dated 06.04.2022 shall form part and parcel of this Order.

(iii) The respondent/complainant is permitted to withdraw the deposit amount of Rs.60,000/- along with interest, if any, lying before the trial Court on filing necessary application and on production of proper proof.

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

* Herein enclosed the Xerox copy of the Joint Affidavit and Additional Joint Affidavit

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rts

To

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

2.The Judicial Magistrate,
FTC No.1, Erode.

CrI.RC.No.874 of 2019
and CrI.M.P.No.3833 of 2022