



BAIL SLIP

The Petitioner/ Accused viz Balasubramanian Male/ Aged 48 Years, S/o Sivaprakasam was released on bail as per order of this Court dated 23/03/2019 in Crl.M.P.No.13673 of 2019 in Crl.r.C.No.973 of 2019 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.973 of 2019
and Crl.M.P.No.5201 of 2022

Balasubramanian

... Petitioner

Vs.

R.Sambandham

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to call for the records in C.A.No.44 of 2019 dated 08.08.2019 on the file of the learned II Additional District and Sessions Judge, Chidambaram, confirming the order and judgment passed in S.T.C.No.309 of 2013 dated 22.01.2019 on the file of the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.S.Ganesh

For Respondent : Mr.G.Nanmaran

ORDER

This Criminal Revision Case has been filed against the judgment of conviction and sentence dated 22.01.2019 made in S.T.C.No.309 of 2013, on the file of the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District, as confirmed by the judgment dated 08.08.2019 in C.A.No.44 of 2019 on the file of the learned II Additional District and Sessions Judge, Chidambaram.



2. The revision petitioner herein is the sole accused in S.T.C.No. 309 of 2013. The respondent/complainant herein filed the above referred case as against the revision petitioner alleging that the petitioner herein has committed offence 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 fine of Rs.2,000/- and to pay compensation of Rs.40,000/- to the complainant under Section 357(3) of Cr.P.C., within two months failing which the accused shall undergo default sentence of three months simple imprisonment. Challenging the same, the petitioner/accused is before this Court.

3. Today, when this Criminal Revision Case came up for hearing, Mr.G.Nanmaran, learned counsel takes notice for the respondent. Further, the revision petitioner/accused and the respondent/complainant, were also present before this Court. Both of them have filed a petition in Crl.M.P.No.5201 of 2022 under Section 147 of NI Act, wherein they prayed to compound the offence. Further, along with the said application, they have filed a copy of the Compromise Memo dated 29.03.2022, 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 this Court dated 23.09.2019 in Crl.M.P.Nos.13673 & 13675 of 2019, the petitioner herein deposited a sum of Rs.20,000/- to the credit of S.T.C.No. 309 of 2013 on the file of the learned Judicial Magistrate-II, Chidambaram, and the same has to be withdrawn by 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 Compromise Memo dated 29.03.2022, was read out to both parties and the same has been agreed by either side as found correct. Accordingly, this Criminal Miscellaneous Petition in Crl.M.P.No.5201 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.5201 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.

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(ii) The Compromise Memo dated 29.03.2022 shall form part and parcel of this Order.

(iii) The respondent/complainant is permitted to withdraw the deposit amount of Rs.20,000/- along with interest, if any, lying before the trial Court by filing necessary application and on production of proper proof.

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

Xerox Copy of Compromise Memo attached.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The II Additional District and Sessions Judge,
Chidambaram
2. The Judicial Magistrate No.II,
Chidambaram, Cuddalore District.

+1cc to Mr.V.Ravi, Advocate, S.R.No.26503
+1cc to Mr.S.Ganesh, Advocate, S.R.No.26685

Cr1.R.C.No.973 of 2019
and Cr1.M.P.No.5201 of 2022

SKM(CO)
CT 05/05/2022