



BAIL SLIP

The Petitioner/Accused namely A.Palanisamy, Male S/o.Aruchamy was directed to be released on Bail vide order dated 14.10.2019 in Crl.M.P.No.14427/2019 in Crl.R.C.1057/2019 on file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.1057 of 2019
and
Crl.M.P.No.4282 of 2022

A.Palanisamy ...Petitioner/Accused

Vs.

R.Palanisamy ...Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the judgment of conviction and sentence dated 23.07.2018 made in C.C.No.513 of 2017, on the file of the learned Judicial Magistrate, FTC No.1, Coimbatore, as confirmed by the judgment dated 25.06.2019 in C.A.No.340 of 2018 on the file of the learned III Additional District and Sessions Judge, Coimbatore.

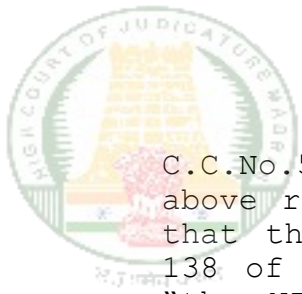
For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.T.Jeyanthi Maniselvam

ORDER

This Criminal Revision Case has been filed against the judgment of conviction and sentence dated 23.07.2018 made in C.C.No.513 of 2017, on the file of the learned Judicial Magistrate, FTC No.1, Coimbatore, as confirmed by the judgment dated 25.06.2019 in C.A.No.340 of 2018 on the file of the learned III Additional District and Sessions Judge, Coimbatore.

2.The revision petitioner herein is the sole accused in



C.C.No.513 of 2017. 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 to pay compensation of Rs.5,00,000/- to the complainant under Section 357(3) of Cr.P.C., within two months failing which the accused shall undergo default sentence of 2 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.Jayanthi Maniselvam, 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 CrI.M.P.No.4282 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 Memorandum of Understanding dated 21.11.2019, 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 first appellate Court, i.e. III Additional District and Sessions Judge, Coimbatore, the petitioner herein deposited a sum of Rs.50,000/- to the credit of C.C.No.513 of 2017 on the file of the learned Judicial Magistrate, FTC No.1, Coimbatore, and the same has to be returned to the revision petitioner.

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 Memorandum of Understanding dated 21.11.2019, 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.4282 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.4282 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 Memorandum of Understanding dated 21.11.2019 shall form part and parcel of this Order.

(iii) The petitioner/accused is permitted to withdraw the deposit amount of Rs.50,000/- 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.

*Xerox copy of the Memorandum of Understanding enclosed herewith

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Judge,
Coimbatore.
2. Do Thro The Principal District Sessions Judge,
Coimbatore.
3. The Judicial Magistrate,
FTC No.1, Coimbatore.
4. Do Thro The Chief Judicial Magistrate,
Coimbatore.
5. The Superintendent,
Central Prison,
Coimbatore.

+1cc to Mr.J.Kingsly Solomon, Advocate, S.R.No.21503

Cr1.RC.No.1057 of 2019

MT(CO)
RGA(25/04/2022)