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Crl.R.C.No.143 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated **27.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.143 of 2022 &

Crl.M.P.Nos.1294, 1295 & 1296 of 2023

K.Nanthakumar

... Petitioner

Vs.

C.Palaniappan

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C to set aside the judgment dated 09.11.2021 in C.A.No.07 of 2021 passed by the learned Sessions Judge, Special Court for trial cases under SC/ST [POA] Act, Namakkal by confirming the conviction and sentence of the learned Judicial Magistrate No.II, Namakkal in C.C.No.181 of 2016 dated 18.12.2020 and set aside the same by allowing the above Criminal Revision Petition.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.P.Saravana Sowmiya

ORDER



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This Criminal Revision Case has been filed to set aside the judgment dated 09.11.2021 passed by the learned Sessions Judge, Special Court for trial cases under SC/ST [POA] Act, Namakkal in Crl.A.No.07 of 2021, confirming the judgment dated 18.12.2020 in C.C.No.181 of 2016 passed by the learned Judicial Magistrate No.1I, Namakkal.

2. The petitioner is the accused in C.C.No.181 of 2016 on the file of the Judicial Magistrate No.1I, Namakkal. The Trial Court convicted the petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also to pay a sum of Rs.20,00,000/- [Rupees two lakhs only] as compensation to the respondent and in default in payment of compensation to undergo further three months simple imprisonment. Challenging the judgment of conviction and sentence, he preferred appeal in Crl.A.No.07 of 2021 before the Sessions Judge, Special Court for trial cases under SC/ST [POA] Act, Namakkal. The lower Appellate Court, vide judgments dated 09.11.2021 confirmed the judgment of conviction and sentence passed by the Trial Court. Therefore, the petitioner filed the present Criminal Revision Case.



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3. Today, when the matter is taken up for hearing, both the learned counsel for the petitioner as well as the respondent informed that, a settlement has been reached between the parties and the matter has been compromised between the petitioner/accused and the respondent/complainant by executing a Joint Compromise Affidavit dated 06.06.2023.

4. The above said Joint Compromise Affidavit dated 06.06.2023 has been filed before this Court which has been signed by the petitioner/accused and the respondent/complainant and also by their respective counsel.

5. A perusal of the Joint Compromise Affidavit dated 06.06.2023 shows that, the parties agreed to settle the issue by compromise and the petitioner had paid a sum of Rs.20,00,000/- towards the amount borrowed by him to the respondent and the same was accepted and received by the respondent. Hence, it is prayed by both the counsel for petitioner as well as the respondent that the Joint Compromise Affidavit may be accepted and pleaded to acquit the petitioner from the above case in C.C.No.181 of



6. Under such circumstances, no useful purpose will be served in keeping the Criminal Revision Case pending and hence, the same is allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.C.No.181 of 2016 on the file of the Judicial Magistrate No.II, Namakkal shall stand compounded under Section 147 of Negotiable Instruments Act and the petitioner/accused shall stand acquitted of all the charges framed against him. The Joint Compromise Affidavit dated 06.06.2023 filed by the parties shall form part of the Order. The petitioner is permitted to withdraw the amount deposited to the credit of C.C.No.181 of 2016 before the trial Court, without notice to the complainant. Consequently, connected miscellaneous petitions are closed.

27.06.2023

Index:Yes/No

vrc

To



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1. The Sessions Judge, Special Court for trial cases under SC/ST [POA] Act, Namakkal
2. The Judicial Magistrate No.II, Namakkal.



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V.SIVAGNANAM, J.

VTC

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